



Committee Report

Application Address	The Captains Club Hotel Wick Lane Christchurch BH23 1HU
Proposal	An extension to the existing hotel to create additional hotel bedrooms and suites and ancillary plant rooms
Application Number	8/23/0616/FUL
Applicant	FiveM Developments
Agent	Abigail Heath, Savills
Ward and Ward Member(s)	Christchurch Town Ward – Councillor Mike Cox and Councillor Michael Tarling
Report Status	Public
Meeting Date	8 th May 2025
Summary of Recommendation	Grant subject to conditions and the signing of a legal agreement for heathlands mitigation
Reason for Referral to Planning Committee	Councillor Cox – call in on 25/09/2023 The increase in the size of the Hotel will continue to have a significant effect on the local neighbours given the bulk and scale of the increase. The effect on the amenity space for neighbours will be detrimental and there will be a significant worsening of traffic and parking for local residents, guests and visitors. As such this development is in contravention of policies HE2 and HE3
Case Officer	Peter Walters
Is the proposal EIA Development?	No

Description of Proposal

1. This proposal is a second submission following the previously refused application (8/22/1069/FUL) by Member at a planning committee meeting. The previous application sought consent for a rear extension and a fourth storey extension to the existing hotel to create additional 29 hotel bedrooms and 7 suites which would have increased the floor space by 1,845.1sqm. In addition, the extensions would re-house the existing and new plant space. 24 of the proposed bedrooms would be within the rear extension and the remaining 5 bedrooms and 7 suites would be located within the fourth storey element of

the extension. The access and parking arrangements would remain the same as existing, with the current provision of 47 parking spaces remaining for guests, visitors and staff.

2. In this current application, the proposal remains largely unaltered and the difference between this proposal and previous submission is that this latest scheme seeks to address the reason for refusal in the previous application which are:

1. *The proposed extension to the hotel, by reason of its design, which introduces significant fenestration to the north elevation, scale which increases the building's height and projects closer to the nearest residential properties and the subsequent proximity to neighbours in Creedy Drive will adversely impact on living conditions at these neighbouring dwellings by reason of a loss of privacy, overlooking and light pollution and disturbance from north facing windows in the proposed extension. The proposal is therefore contrary to Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014).*
2. *The proposal is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European Sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Habitat Regulations 2017, in particular Regulations 48 and 49. If the Council had been minded to grant permission in all other respects it would have to carry out an appropriate assessment in accordance with the advice and procedures set out broadly in Circular 06/2005.*

The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, the proposed development would in combination with other plans and projects within close proximity to heathland and in the absence of any form of acceptable mitigation be likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development close to the Dorset Heathlands and also the provisions of the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD), which took effect in November 2020. The proposal is also contrary to policy ME2 of the Christchurch and East Dorset Local Plan.

3. As such, in this current application, the proposed windows facing Creedy Drive have been raised by 150mm and include transom glazing so that there would be no clear glass below a height of 1680mm on the first floor and 1570mm on the second floor, with the bottom pane opaque. The current application is also now accompanied by a unilateral undertaking to help secure the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD.
4. Subsequent to the submission of this application, the previously refused scheme has been the subject of an appeal which has been allowed. The Inspector disagreed with the Council's assertion that the proposal would have a harmful impact on the amenity of neighbouring residents. They concluded that:

7. *The proposal would introduce areas of glazing in the elevation facing Creedy Drive where there are currently very few. There would be windows serving a total of 30 rooms and on this basis, I acknowledge that the sense of being overlooked as well as the levels of privacy would likely change. However, the key question is whether unacceptable harm to the living conditions of occupiers would arise or would the resultant development and associated levels of privacy be appropriate and reasonable bearing in mind the presence of the hotel and the surrounding context.*

8. *There is no adopted numerical guidance in respect of separation distances between residential properties and commercial uses. In this regard, the consideration of the impact of the proposal upon the living conditions of existing occupiers of nearby houses is one of planning judgement based on the merits of the scheme.*

9. *The appellant's Overlooking Analysis document indicates that separation distances would vary but there would be a minimum distance of just over 26m between the hotel room windows proposed and 29 Creedy Drive and a distance of around 31m between the hotel and No 21 and I have no substantive evidence before me to dispute the distances set out in this assessment.*

10. *In my judgement and having regard to the surrounding context the separation and the greater mass and height of the proposal would be acceptable. There would be adequate separation between the windows proposed and nearby dwellings. In any case such relationships between windowed elevations are not unusual in built up areas, such as this.*

11. *Furthermore, the spatial relationship between the resultant development and nearby dwellings would be more generous than those generally found locally. There would be limited opportunity for direct overlooking of balconies, into windows and garden areas on account of the overall distances involved between the hotel and nearby dwellings. Accordingly, I am satisfied that the proposed development would not give rise to an unacceptable degree of overlooking that would lead to a loss of privacy.*

12. *Taking into account the internal layout of the hotel bedrooms and that the outlook from these rooms is onto vehicle parking areas it is unlikely that hotel patrons would spend significant periods of time at windows. It is more likely that they would use the room as a base to rest and refresh prior to and after utilising the hotel facilities or enjoying the local area. In my view the proposal would not result in unduly intrusive views into habitable rooms or balconies from hotel bedrooms. Consequently, I am not persuaded that the proposed development would lead to existing residents altering their behaviour when in their properties.*

13. *The hotel has 17 bedrooms and 12 suites. The proposal would result in 29 extra rooms and 7 suites and a commensurate increase in the number of guests. Whilst the bulk of the rooms would be to the rear there are no roof terraces facing the car park and the position of the hotel entrance and facilities including the bar and restaurant would remain along the river's edge. As such, noise from occupation of the rooms is unlikely to be perceivable from outside. In addition, a condition has been imposed limiting noise from plant and machinery.*

14. *With the increased number of bedrooms and suites there would be additional pedestrian and vehicular activity, however, it is not an inevitable consequence that it would give rise to unacceptable levels of noise or anti-social behaviour. I am also mindful that higher noise levels are to be expected in mixed commercial areas and areas of tourist activity.*

15. Hotel windows would be illuminated throughout periods of darkness but considering the comings and goings associated with patrons' independence and own work or leisure routines it is likely that lighting window conditions would be constantly changing. There is nothing to suggest that internal light levels would be excessively bright. Given the variable nature of internal lighting and that in evenings curtains would be typically drawn I am satisfied that obtrusive light spill would not occur. Furthermore, it is likely that when patrons are not in their room the key card system would turn off lights.

16. As such, I am satisfied that there would be no harmful loss of privacy, light intrusion or disturbance for existing occupiers. The proposed development would therefore accord with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (2014) (CS) which, amongst other things, requires new development to be compatible with its surroundings in terms of its relationship with nearby properties.

Description of Site and Surroundings

5. The Captains Club Hotel is located on a prominent riverside location on the River Stour, southwest of the town centre of Christchurch. The existing building is a three storey building, which on the riverside elevation comprises significant glazing to benefit from the panoramic views across the river towards the harbour and Tuckton Gardens public open space. The rear of the building currently has minimal openings and at ground floor level the plant facilities and bin storage are located.
6. Terraced residential properties are located to the west, north and north-east of the Hotel within Creedy Drive, Sopers Lane and Willow Way with the rowing club, sea cadet hall and public car park to the east. The residential properties are 2 and 3 storey in form, with the majority in Creedy Drive which face the Hotel consisting of 3 storey terraced properties with balconies at first floor level.
7. The site lies outside of the Central Christchurch Conservation Area which lies approximately 93 metres to the east. The boundary of the Wick Village Conservation Area runs up the middle of The Stour (approx. 37m from the hotel building) and there is a strong relationship between both sides of the riverbank.
8. The site is located within an area of high flood risk, identified as being within current flood zones 2 and 3 but also within future flood zone 3a (2093 for commercial development) as shown in the Council's Strategic Flood Risk Assessment.
9. The issue of nutrient neutrality was raised by the appeal and continues to be a consideration. The application site is within the catchment of the Christchurch Waste Water Recycling Facility which discharges enriched water into the River Avon which is designated as a Special Area of Conservation under the Habitat Regulations 2017 and listed as a Ramsar site.

Relevant Planning History:

8/22/1069/FUL	The Captains Club Hotel Wick Lane Christchurch BH23 1HU	An extension to the existing hotel to create additional hotel bedrooms and suites and ancillary plant rooms	Refused Appeal allowed	19/06/23 Appeal allowed on 23/01/25
8/11/0089	Captains Club Hotel, Wick Lane	Erection of single storey outbuilding and removal of existing entrance door (Amended description).	Granted	28/04/11
8/07/0578	Captain Club hotel, Wick Lane	Erection of single storey enclosure for waste bins	Granted	25/10/07
8/06/0571	Captains Club Hotel, Wick Lane	Erection of 2 signs displaying hotel name	Granted	27/10/06

Constraints

Within Flood Risk Zones 2 and 3
Within 5km of SSSI heathland
Within an Area Benefiting from Flood Defences
Wessex Water Sewer Flooding reported

Public Sector Equalities Duty

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

Other relevant duties

11. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
12. For the purposes of this application, in accordance with section 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.
13. 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

All consultees comments are summarised below and all full comments can be viewed online with the associated application number;

Christchurch Town Council:

Objection on the following grounds:

- overlooking, loss of privacy and light and noise pollution to neighbouring property
- adverse impact on car parking and increased traffic congestion
- insufficient changes to the proposal to meet the Council's previous objections (**Officer Note: comments received prior to the appeal decision being issued**)

BCP Environmental Health: No objection subject to conditions

Environment Agency: No comment

Natural England – no objection subject to mitigations being secured in regard to the river Avon regarding phosphates.

Wessex Water: No comment

Dorset & Wilts Fire & Rescue Service: no objection subject to the development being designed and built to meet current Building Regulations requirements.

BCP Rights of Way: No comment

BCP Waste and Recycling: No comment

BCP Lead Flood Authority: no objection subject condition

BCP Destination & Culture: support the application, noting the proposal makes a positive contribution to BCP's tourist accommodation and can only improve the facilities offered to guests making it a world class offer.

BCP Design and Heritage comments: they raised no objection to the scheme noting that:

The key changes made are raising the window sill heights of the new windows on the northern elevation and obscuring the lower part of each new window on the northern side.

Although for a residential proposal obscured lower window panes would be opposed due to poor outlook, as this is a hotel proposal the adverse effect on the outlook of the occupiers of the hotel rooms would only be temporary for the duration of their stay and this is considered acceptable in Urban Design and Conservation terms.

The improvements to the privacy of the occupiers of Creedy Drive, as a result of the introduction of raised sill heights and obscured glazing, are supported.

BCP Highways - Major Dev: no objections subject to conditions

BCP Planning Policy: – no comment received

Representations

Of the 55 representations received, 49 are objections, 5 are of support and 1 is a comment and they are summarised below (full comments can be viewed online with the associated application number);

Objections

- Impact on highways, parking, turning and increase in traffic
- No changes from the previous application
- The area is at risk of flooding
- Given the bulk and size, the proposal would appear out of character along the riverside
- Overdevelopment of the site
- Loss of privacy to neighbouring properties
- Light and noise pollution to neighbouring properties
- There are no benefits arising from the development
- Disturbance of river and wildlife
- The riverbank is a historic setting, which requires preservation
- Commercial building should have a greater distance from residential dwelling
- Huge increase in accommodation
- No tree cover so overlooking is still possible
- The opaqueness of the windows are not known

Support

- The proposed development is in accordance with Objective 4 and Policy PC6 of the Core Strategy.
- The earlier refusal of planning permission clearly demonstrates that there will be no adverse impact from the development on the amenities of the residents of nearby housing.
- Need for more hotels in the locality
- Anything that encourages business and tourism in our beautiful town should be encouraged
- The location is ideal and encourages employment

Key Issue(s)

14. The key issues involved with this proposal are:

- Principle of development
- Economy and tourism
- Design, form and scale and impact on visual amenities of area
- Impact on Heritage assets
- Impact upon residential amenities
- Parking and Access
- Flood risk and surface water management
- Biodiversity, Heathland Mitigation and Nutrient Neutrality
- Other Matter
- Energy and Sustainability

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

Policy context

16. 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 Christchurch and East Dorset Local Plan Part 1 - Core Strategy (2014) and saved policies of the Christchurch Local Plan (2001).

KS1 Presumption in favour of sustainable development

KS2 Settlement hierarchy

KS7 Role of town centres

KS11 Transport and Development

KS12 Parking provision

PC6 Tourism

HE1 Valuing and conserving our historic environment

HE2 Design of new development

HE3 Landscape quality

ME1 Safeguarding Biodiversity and Geodiversity

ME3 Sustainable Development Standards

ME4 Renewable Energy Provision

ME6 Flood Management, Mitigation and Defence

Saved Policy BE5 Setting of Conservation Areas

Saved policy ENV3 Pollution and existing development

Saved policy ENV5 Drainage and new development

Saved policy ENV21 Landscaping in new development

Saved policy ET1 Redevelopment/change of use of tourist facilities

Emerging BCP Local Plan

Following the recommendation by the Planning Inspector following Stage 1 of the Local Plan examination that the Plan should be withdrawn, the policies in it are at present considered to carry negligible weight. If the Council opts to follow the recommendation of the Inspector, the policies will carry no weight. Policies that would apply to the proposal are as follows

Policy C2: Sustainable construction and low carbon energy

Policy C6: Flood Risk

Policy NE2: Habitats sites and wildlife sites

Policy NE3: Biodiversity

Policy BE4: Building Heights

Policy E9: Visitor Accommodation

Policy E12: Community, sports and leisure facilities

Policy T2: Transport and Development

Policy P10 – Christchurch Town

Supplementary Planning Documents and Guidance

Parking Standards 2021

Christchurch Conservation Area Appraisal

Wick Village Conservation Area Appraisal

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

Including in particular the following:

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 strong 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 in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

Planning Assessment

Principle of development

- 17. There is a presumption in favour of sustainable development within the NPPF. Paragraph 11 of the NPPF states that where policies which are most important for determining the application are out of date, planning permission must be granted unless policies in the Framework provide a clear reason for refusing the development proposals. The Core Strategy policies relevant to this application are considered to be up-to-date.
- 18. As noted above, this proposal is a second submission following the previously refused application (8/22/1069/FUL). In the previous application, the principle of the proposal was deemed as acceptable. The Development Plan has not significantly changed since the previous application was assessed and therefore the principle is considered to remain acceptable. It should be noted that the appeal against the previous refusal was granted and therefore there is a realistic fallback indicating that the principle of development is acceptable.
- 19. The existing Hotel is an established business just outside of the town centre of Christchurch and as such its use has already been established. Policy PC6 seeks to promote visitor accommodation in sustainable locations and saved Christchurch Local Plan policy ET1 seeks to avoid the loss of tourist accommodation. BCP
- 20. The BCP Destination and Culture officer has been consulted and states the Captains Club hotel plays a significant role within tourism for the Bournemouth, Christchurch and Poole area attracting visitors from far and wide, including international staying visitors.
- 21. The hotel makes a significant contribution to the guest experience and tourism industry all year round and an extension to the existing hotel to create additional guest bedrooms is in line with the Tourism SPD (2016) which supports continuing investment in and improving the quality of tourism accommodation.

22. On this basis, the proposed development is acceptable in principle subject to assessment and consideration of site-specific impacts and compliance with relevant policies of the plan and provision of the framework in that regard. These matters are addressed under specific issue headings below. The overall planning balance assessment is set out in the conclusion below.

Tourism and the economy

23. Core Strategy policy PC6 promotes new visitor attractions and accommodation in sustainable locations.
24. As referred to above and in the previous application, this Hotel makes a valuable and positive contribution to the local tourism economy and attracts visitors from afar, including international visitors. BCP Destination and Culture, in their consultation response have provided some background to the local tourism industry and confirm that BCP is established as one of the UK's premier seaside resorts, generating over half a billion pounds in visitor spend each year and sustaining local employment. The Council's Planning and Destination Team commissioned an assessment of guest accommodation year-round supply, performance and development potential, new accommodation supply pipeline and future growth and investment plans within Bournemouth, Christchurch and Poole. This indicates that in Christchurch there is an opportunity for an additional 4 – star provision or boutique hotel over the next 10 years, most likely from expansion of existing hotels.
25. It is considered that the expansion of the Captains Club hotel will make a positive contribution to the provision of tourist accommodation within Christchurch and BCP as a whole and this would contribute to the local economy through investment, visitor spending and employment opportunities – this is reflective of the BCP Destination & Culture officer. It is considered the extension to the Captains Club which is in an edge of centre location with links to the town centre and beyond meets the ambition of Policy PC6 to promote tourist accommodation in sustainable locations. Paragraph 85 in the NPPF states; 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. This scheme would enable a local business to expand and improve the offering to visitors and adapt to the changing climate since the pandemic. It is therefore considered that the proposal meets the aims of policy PC6 and the NPPF. Therefore, taking the above into account, the proposal is considered to be acceptable in this regard and accords with Policy PC6 of the Christchurch and East Dorset Local Plan.

Design, form and scale and impact on visual amenities of the locality

26. CS Policy HE2 complements the design requirements in section 12 of the NPPF by requiring that development be compatible with or improve its surroundings in relation to criteria including layout, site coverage, visual impact and relationship to nearby properties. The NPPF states that developments must function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and landscaping.
27. As noted above, this proposal is a second submission following the previously refused application (8/22/1069/FUL). Despite the objections received from neighbouring properties and interested third parties, the reasons for refusal in the previous application did not include harm to the character, appearance and visual amenity of the locality. The proposed extension has a very similar form and design to the existing hotel and builds upon and responds to the character of the current building. It is considered that the rear extension

which is to be the same height as the existing building is acceptable in terms of its scale and bulk. It relates well to the building and does not appear intrusive within the street scene and will be clearly read as part of the hotel. At ground floor level, there are minimal openings resulting in a rather blank facade; however, it is appreciated that this is required due to the location of the plant rooms and storage areas at the rear. Given the existing situation, with timber enclosures and a number of different spaces, this proposal rationalises the rear area, enclosing everything within the building, improving the appearance. The amendments to the access points for staff at the rear have minimised potential for anti-social behaviour and collection of litter and material with a reduced undercroft area and a more inviting porch area.

28. The proposed changes to the fenestration will slightly reduce the size of the windows on the northern rear elevation serving the proposed bedrooms and this is considered to be acceptable.
29. In terms of the increased height of the building, it is considered that the form and scale is now more appropriate and the extension respects the existing tower elements and the building would not appear top heavy. BCP Urban Design and Conservation still consider that the top floor still requires a higher proportion of glazing. It is recognised that the floors below show a greater proportion of glazing on the southern elevation; however, the proposed pattern of glazing and the ratio to solid wall in conjunction with the now lighter cladding is considered to be acceptable and would not result in a discordant or top heavy extension. The reduction in floor area of this level along with the lighter material ensure it will appear as a lighter weight structure and not dominate the existing building.
30. Officers note the objections in relation to the built relationship between the proposed development and the neighbouring residential properties, particularly in Creedy Drive to the north and Riverside Park to the west. The rear extension will bring built form closer to these properties; however, there still remains a significant distance between the buildings with the parking and highway maintaining this gap. It is not considered that the resulting built relationship would result in a cramped or oppressive form of development within the street scene.
31. In addition, the allowing of the appeal provides a realistic fallback position in considering that the proposal does not have an unduly harmful impact on the visual amenities of the locality. Taking this into account, the proposal is considered to be acceptable in terms of the impact on the visual amenity of the locality and is therefore in accordance with Policy HE2 of the Christchurch and East Dorset Local Plan.

Impact on Heritage assets

32. Core Strategy HE1 seeks to ensure that the significance of all heritage assets and their settings will be protected and enhanced. As outlined in the Site description, the site is not within the Christchurch Conservation Area but lies to the north of the Wick Village Conservation Area across the River Stour and the Central Christchurch Conservation is located to the east. Wick is a historic village and owes its reputation as the last village on the River Stour to its location and surroundings, and its attractive character.
33. The reasons for refusal in the previous application did not include harm to the significance of the Heritage asset and given the modest alteration proposed in this current application, it is considered that the proposal would not result in harm to the significance of the Heritage asset.

34. Similarly, the Councils Conservation officer has been consulted with respect to the scheme proposal. They have not indicated that harm would be caused to the heritage assets, but they have suggested that a condition requiring details of materials to be used should be applied. Therefore, the scheme is considered to accord with Policy HE1 of the Local Plan and Section 16 of the NPPF. Once again, it is noted that there is a realistic fallback position of the previously refused scheme that was subsequently allowed at appeal. Taking the above into account, the proposal is considered to be acceptable in terms of its impact on designated heritage assets and is therefore in accordance with Policy HE1 of the Christchurch and East Dorset Local Plan.

Impact upon residential living conditions

35. Policy HE2 states that; 'development will be permitted if it is compatible with or improves its surroundings; its relationship to nearby properties including minimising disturbance to amenity'. Saved policy ENV3 refers to development which creates noise, discharges or emissions not harming the amenities of occupants of nearby land.
36. Similar to the previous application, the proposal continues to gather multiple objections from the Town Council, neighbouring properties including third parties some considerable distance from the site regarding overlooking, loss of privacy and noise impacts to impacts to surrounding dwellings, the closest of which are in Creedy Drive.
37. However, as noted in the proposal description above, this proposal seeks to address the reasons for refusal in regard to residential amenities. It is noted that the proposed windows facing Creedy Drive has been raised by 150mm and include transom glazing so that there would be no clear glass below a height of 1680mm on the first floor and 1570mm on the second floor, with the bottom pane opaque. This is considered to represent an improvement on the previous scheme and will protect the amenity of neighbouring residents. A condition requiring the windows not to have clear glass below this height will not be included due to the fallback position of the appeal decision.
38. A officer site visit was conducted to view the relation of the proposed development from within a property on Creedy Drive. Whilst it is considered that there may be some mutual overlooking between the residential properties (mainly from the balcony at the front elevation) and the hotel rooms. There is around 27m & 32m (long range view) separation distances between the neighbouring properties at Creedy Drive and the hotel subject of this application. As such, substantial separation distances exist and for these reasons it is considered the proposed development would not be so detrimental upon the neighbouring properties amenities that permission should be refused. The Inspector who allowed the previous appeal also found no harm to nearby residential properties.
39. Taken together, the acceptable separation distances combined with the use of obscured glazing would significantly help soften views to properties at Creedy Drive. As such, the proposal would not result in harmful overlooking upon these neighbouring properties.
40. Given the increase in the numbers of rooms the proposal potentially could intensify movements and activity within the area. However, this locality is on the edge of the town centre and characterised not only by the hotel and residential properties but by public car parks, a rowing club and areas of open space. Therefore, there exists an intrinsic level of movement and activity in the area. It is considered that the proposal would not give rise to such a significant increase in noise and disturbance to cause sufficient harm to the occupiers of the surrounding properties to warrant refusing the application. A view supported by the Inspector on the appeal.

41. The Councils Environmental Health officer has been consulted. They are happy in principle with the proposal, however they have recommended a planning condition restricting the noise level of the plant and equipment. They also suggest the use of conditions to control disturbance during the construction stages of the proposed development.
42. As noted in the previous application, the proposed extension at the rear and at the fourth storey element will include quite a large amount of glazing, especially on the southern side fronting the river. During the evenings and at night, this could increase the prominence of the building given the light omitted from the building. However, given the existing level of glazing on the southern elevation and the level of built form within the area and street lighting, the light emitted from the building is not considered to cause such an adverse impact on the environment or living conditions of the occupiers of the neighbouring properties. There is no additional external lighting shown on the plans; however, an external lighting strategy can be conditioned to ensure that any new lighting around the hotel is suitable for the locality and does not cause harm to the residential amenities of the surrounding properties.
43. In this respect, it not considered that the proposal would have an unacceptably harmful impact upon the neighbouring properties to warrant refusal. The applicant has a realistic fallback position of the allowed scheme which is a material consideration in the assessment of this planning application. The proposed scheme reduces this impact, as set out above, and is therefore considered to be acceptable in this respect. The proposal is therefore considered to be in accordance with Policy HE2 of the Christchurch and East Dorset Local Plan and saved policy ENV3 of the Christchurch Local Plan 2001.

Parking and Access

44. The level of parking spaces being provided remains the same as the previous application. The site is situated within Parking Zone B of the Parking Standards SPD but it is on the boundary of Zone A, which requires the least amount of car parking provision. The site is located close to the transport links and amenities of Christchurch Town Centre. Within parking Zone B the SPD guidance sets out that a 65 bedroom hotel facility should ideally provide 49 car parking spaces (in the neighbouring Zone A this would be a 33 space requirement). The existing car park for the hotel has 47 parking spaces, and this is to stay the same, but at present the car park is available for both hotel patrons and the public to use as the hotel offers the parking spaces available as a privately operated pay & display car park. The proposal is to retain the 47 spaces which would now be for hotel patrons, staff, and visitors only, which will likely result in less demand and traffic movements in the car park than the existing arrangement of shared general public use. There are public car parks close to the site and apart from a few peak holiday weekends the Highway Authority are aware that for the majority of the year there is spare capacity in these car parks. The Hotel also has a long term contract to rent 18 car parking spaces in the nearby Willow Way Car Park, a demonstration that this public car park has spare capacity to allow the long term renting out of parking spaces.
45. Therefore, with the 47 car parking spaces within the Hotel car park plus the 18 spaces within the Willow Way Car Park the Hotel has access to car parking well above the Parking Standards SPD guideline of 49 car parking spaces. The shortfall of parking spaces for 2 cars can be absorbed by the nearby Willow Way car park or failing that, there is on street capacity. In addition, it is noted that the site sits on the edge of Parking Zone A, which would require 33 spaces, and in this scenario there would be an overprovision of parking. Therefore, the small shortfall would not lead to significant highway safety issues.

46. The proposal indicates that 13 cycle parking spaces will be provided which is an acceptable figure in line with SPD requirements. 4 of those cycle spaces will be for general public/visitor use and these are the existing cycle stands located close to the main building entrance. The rest will be for staff and are located internally within the service area of the building. The Councils Highways engineer has been reconsulted with respect to the scheme proposal and they have no objection to scheme subject to conditions. Therefore, the scheme is considered to accord with Policy KS11 of the Local Plan and Section 16 of the NPPF. Once again, consideration to the previously allowed appeal will be required, as this provides a realistic fallback position. The proposal is therefore considered to be in accordance with Policy KS11 of the Christchurch and East Dorset Local Plan.

Flood risk and surface water management

47. Policy ME6 of the Local Plan sets out the requirement for developments within flood risk areas and stipulates that all development will be required to demonstrate that flood risk does not increase as a result of the development proposed. The application site is wholly within Future flood zone 3a (2093 for commercial development), and Environment Agency (EA) present day flood zone 2; and a large part of the site is in EA present day flood zone 3. There are existing flood defences in place for up to and including the 1 in 1000 year flood event. The site is more vulnerable to tidal flooding compared to flooding from other sources such as fluvial, surface water or infrastructure failure and it is considered to have high levels of ground water which is stated to be less than 3m from ground level.
48. The NPPF in paragraph 174 sets out the aims and requirement for the Sequential Test to be applied to new development; *'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.'* sequential test. However, para 176 of the NPPF (and footnote 62) indicates that the sequential test is not required for small, non-residential extensions (with a footprint of less than 250m²). It has been determined that the increased footprint from the extension, taking into account the footprint of the existing structures to be demolished is just below 250 m². Therefore, it has been concluded that in this particular instance, notwithstanding the overall floor area of the extensions well exceeds 250m² the actual footprint does not and therefore in line with the NPPF the sequential test does not need to be applied to this proposal. Given the Sequential Test is not required there is no need for the Exception Test to be applied to the development.
49. A Flood Risk Assessment has been submitted as part of the application. The Environment Agency have been consulted and not provided any formal consultation response. However, in the previous application they clarified that given the majority of the additional floorspace is above ground floor there would be minimal flood risk concerns and as such the National Standing Advice for extensions would apply. In line with the Standing Advice, the floor levels should either be no lower than existing floor levels or 600 millimetres (mm) above the estimated flood level. The existing and proposed floor levels will be 2.20m AOD. The minimum crest level of the surrounding flood defences is 2.50m AOD which is above the modelled 1 in 1000 year tidal flood level for the site, which is 2.17m AOD. Therefore, the site is protected for up to and including the 1 in 1000 year flood event. The flood risk engineer also notes that the proposal will not increase the flood risk to the site.
50. It was concluded in the previous application that the scheme will not increase the flood risk on the site or in the immediate locality and appropriate measures can be secured by

conditions. The proposed changes from the previous scheme only relate to the windows in the north elevation. The conditions attached to the previous application would be reattached in the instance permission is granted. The proposal is therefore considered to be compliant with Policy ME6 of the Christchurch and East Dorset Local Plan.

Biodiversity and Heathland Mitigation

51. Similar to the previous application, a phase 1 ecological assessment report has been undertaken, which concluded that the site is likely to be suitable for breeding birds, but these habitats would not be affected by the proposed development. There is negligible suitability for bats. Given the location adjacent to the river, the site could be used as a commuting bat route, however the site does not have significant foraging opportunities given the limited vegetation. The applicant is proposing additional planting along the northern boundary of the site, 4no. 3 metre trees to replace those being lost to include field maples and rowan, integral swift nesting boxes and a biodiversity information board as set out in the Biodiversity Enhancement Plan. These are acceptable and will be secured by condition.
52. The site includes a number of trees. These are not the subject of a Tree Preservation Order, nor is the site within a Conservation Area, which would afford protection to the trees. However they are considered to provide amenity value to the area. The application has prepared an arboricultural method statement, with details on the protection of these trees. It is considered appropriate to condition that the recommendations set out in the statement are implemented.
53. 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 previous reasons for refusal included harm to the Dorset Heathland due to the lack of information and the application not being accompanied by a completed unilateral undertaking.
54. The current application is now accompanied by a unilateral undertaking to help secure the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD.
55. Subject to the signing of the Unilateral Undertaking it is considered the proposal will not have a harmful impact upon the protected Dorset Heathland and are therefore in accordance with policy ME2 of the Christchurch core strategy and the Dorset Heathlands Planning Framework.

Nutrient Neutrality

56. The application site is within the catchment of the Christchurch Waste Water Recycling Facility which discharges enriched water into the River Avon which is designated as a Special Area of Conservation under the Habitat Regulations 2017 and listed as a Ramsar site.
57. The River Avon is also designated as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 (as amended). The designated sites are in unfavourable condition due to high levels of nutrients. The river is phosphorus limited which means that any addition either directly or indirectly should be deemed to have an adverse impact on it's integrity.

58. An appropriate assessment (AA) must be undertaken to assess the effects of the proposal, in combination with other developments on this SAC. Natural England advise that all new developments which would involve an overnight stay, like this one, within the catchment should achieve 'nutrient/phosphate neutrality'. If they do not, then additional phosphate loads could enter the water environment causing significant adverse effects on the River Avon SAC.
59. Natural England have been consulted with respect to the proposal and advised that the phosphates will need to be suitably mitigated. The Council is the competent body for Appropriate Assessments and ultimately responsible for producing the Habitats Regulation Assessment in this instance.
60. The applicant has submitted a nutrient calculator for the development and has provided evidence of the option to purchase credits to offset the phosphate load generated by the development. Subject to the imposition of a Grampian condition the proposal is considered to be acceptable in this respect and is considered to be in accordance with Policy ME1 of the Christchurch and East Dorset Local Plan.

Biodiversity Net Gain (BNG)

61. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan Policy ME1 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
62. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 though exemptions apply. This proposal is exempt as it was submitted before the provisions of the Environment Act were brought into force.

Energy and Sustainability

63. It was considered in the previous application that measures to reduce carbon emissions and renewable energy provision can be secured by conditions. The proposed changes to the scheme will not alter this. Therefore, the use of conditions in this current application to reduce carbon emissions and secure renewable energy provision is acceptable and the proposal complies with Policy ME3 and ME4 of the Core Strategy.

Conclusion

64. As set out above, the principle of the development has been deemed acceptable. Furthermore, it is considered that the proposal does not harm the significance of the Heritage Assets and character and appearance of the locality.
65. Additionally, it is noted that the revised windowsill heights and obscuring the lower part of each new window on the northern side are sufficient measures to protect the amenity of neighbouring properties. The above is reinforced by acceptable separation distances from neighbouring properties.
66. In the context of the Dorset Heathlands, flooding, energy, sustainability and highways safety/parking, the proposals are considered to be acceptable subject to conditions and securing the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD.

67. The proposed development will offset the impact of phosphates through the purchase of credits.
68. As set out in the report, the proposal benefits from a realistic fallback position in the form of the allowed appeal decision. As this scheme addresses the concerns that were raised regarding the previous scheme, it is considered that the proposal should be granted.

Recommendation

The Planning Permission be **Grant subject to conditions and the signing of a legal agreement for heathlands mitigation**

Conditions:

1. The development hereby permitted shall begin not later than the expiration of three years beginning with the date this permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

004 Rev B Site Location Plan
007 Rev A Proposed Site Plan Ground Floor
008 Rev A Proposed Site Plan, Roof Plan
200 Rev B Proposed GA Elevations
100 Rev B Proposed GA Ground & First Floor Plans
101 Rev A Proposed GA Second & Third Floor Plans
102 Rev A Proposed GA Roof Plan

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. No development shall take place until an energy strategy and sustainable construction scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposal meets the required sustainability thresholds.

5. No development shall take place until a Demolition and Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Demolition and Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.

Reason: To safeguard the amenity of neighbouring residents.

6. No development shall take place until a detailed surface water drainage scheme for the site, including a maintenance and management plan based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

Reason: To ensure that the development does not result in increased surface water run off.

7. No development, above ground, shall take place until details and samples of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason: In order to ensure that the development integrates with its surroundings

8. No development, above ground, shall take place until details of the soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. The planting shall be carried out in the first planting and seeding seasons following completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the development positively integrates with its surroundings

9. All building services plant (including air conditioning unit and any air handling plant) shall be sited and designed in order to achieve a rating level (BS4142:2014) of 5dB below the background noise levels determined in Section 4 of the Plant Noise Assessment carried out by 24 Acoustics, dated 16th February 2023 (Ref; R9895-1, Rev 0).

Reason: To protect the amenity of neighbouring residents

10. The development hereby permitted shall not be occupied until the cycle parking facilities have been provided in accordance with the approved plans. Thereafter those spaces shall be retained for the parking of cycles only.

Reason: To provide adequate cycle parking facilities for the development

11. The development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement prepared by Soundwood Tree Consultancy dated November 2022.

Reason: To ensure the protection of trees

12. No external lighting is to be installed other than in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority.

Reason: To protect the amenity of the neighbouring residents

13. The development hereby permitted shall not be occupied until a Biodiversity Site Enhancement Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the Ecological Assessment dated October 2022.

Reason: To ensure that protected species are adequately protected.

14. The development hereby permitted shall not be occupied until an emergency plan in the event of a flood event has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the plan accorded with for the lifetime of the development.

Reason: To ensure that adequate safeguards are in place in the event of a flood. 1.

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.



Appeal Decision

*Site visit made on 20 November 2024 by Bhupinder Thandi BA (Hons) MA MRTPI
an Inspector appointed by the Secretary of State*

Decision date: 23 January 2025

Appeal Ref: APP/V1260/W/23/3327258

The Captains Club Hotel, Wick Lane, Christchurch BH23 1HU

*The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended)
against a refusal to grant planning permission.*

*The appeal is made by FiveM Developments against the decision of Bournemouth Christchurch
and Poole Council.*

The application Ref is 8/22/1069/FUL.

*The development proposed is an extension to the existing hotel to create additional hotel
bedrooms and suites and ancillary plant rooms.*

Decision

- 1. The appeal is allowed and planning permission is granted for an extension to the existing
hotel to create additional hotel bedrooms and suites and ancillary plant rooms at The
Captains Club Hotel, Wick Lane, Christchurch BH23 1HU in accordance with the
application 8/22/1069/FUL subject to the schedule of conditions set out at the end of this
decision.*

Preliminary Matters

- 2. The Government published a revised National Planning Policy Framework (the Framework)
on 12 December 2024. Those parts of the Framework most relevant to this appeal have not
been amended. As a result, I have not sought submissions on the revised Framework, and I
am satisfied that no interested parties have been prejudiced by my approach.*
- 3. The appellant has submitted a certified copy of a Unilateral Undertaking (UU) providing a
financial contribution towards mitigating the impact of the proposed development upon
habitat sites. I have addressed this in my reasoning below.*

Main Issues

- 4. The main issues are:*
 - The effect of the proposed development upon the living conditions of nearby occupiers with
regard to overlooking, light pollution and disturbance;*
 - The effect upon the integrity of the Dorset Heathlands Special Protection
Area (SPA), Ramsar and the Dorset Heaths Special Area of Conservation (SAC); and*
 - The effect of the proposed development upon the River Avon Special Area of Conservation
(SAC);*
 -

Reasons

Living conditions of existing occupiers

5. *The appeal site comprises The Captains Club Hotel which occupies a prominent position on the River Stour. The hotel has a modern appearance incorporating large amounts of glazing and is a distinctive landmark feature within the area.*
6. *The area is generally mixed in character comprising the hotel, a rowing club and residential development. In this context located to the north are three storey dwellings on Creedy Drive with habitable rooms and balconies facing the rear of the hotel. The highway and a pay and display car park separate the built form of the dwellings and hotel with hedgerow and trees defining the common boundary.*
7. *The proposal would introduce areas of glazing in the elevation facing Creedy Drive where there are currently very few. There would be windows serving a total of 30 rooms and on this basis, I acknowledge that the sense of being overlooked as well as the levels of privacy would likely change. However, the key question is whether unacceptable harm to the living conditions of occupiers would arise or would the resultant development and associated levels of privacy be appropriate and reasonable bearing in mind the presence of the hotel and the surrounding context.*
8. *There is no adopted numerical guidance in respect of separation distances between residential properties and commercial uses. In this regard, the consideration of the impact of the proposal upon the living conditions of existing occupiers of nearby houses is one of planning judgement based on the merits of the scheme.*
9. *The Appellant's Overlooking Analysis document indicates that separation distances would vary but there would be a minimum distance of just over 26m between the hotel room windows proposed and 29 Creedy Drive and a distance of around 31m between the hotel and No 21 and I have no substantive evidence before me to dispute the distances set out in this assessment.*
10. *In my judgement and having regard to the surrounding context the separation and the greater mass and height of the proposal would be acceptable. There would be adequate separation between the windows proposed and nearby dwellings. In any case such relationships between windowed elevations are not unusual in built up areas, such as this.*
11. *Furthermore, the spatial relationship between the resultant development and nearby dwellings would be more generous than those generally found locally. There would be limited opportunity for direct overlooking of balconies, into windows and garden areas on account of the overall distances involved between the hotel and nearby dwellings. Accordingly, I am satisfied that the proposed development would not give rise to an unacceptable degree of overlooking that would lead to a loss of privacy.*
12. *Taking into account the internal layout of the hotel bedrooms and that the outlook from these rooms is onto vehicle parking areas it is unlikely that hotel patrons would spend significant periods of time at windows. It is more likely that they would use the room as a base to rest and refresh prior to and after utilising the hotel facilities or enjoying the local area. In my view the proposal would not result in unduly intrusive views into habitable rooms or balconies from hotel bedrooms. Consequently, I am not persuaded that the proposed development would lead to existing residents altering their behaviour when in their properties.*
13. *The hotel has 17 bedrooms and 12 suites. The proposal would result in 29 extra rooms and 7 suites and a commensurate increase in the number of guests. Whilst the bulk of the rooms would be to the rear there are no roof terraces facing the car park and the position of the hotel entrance and facilities including the bar and restaurant would remain along the river's edge. As such, noise from occupation of the rooms is unlikely to be perceivable from outside. In addition, a condition has been imposed limiting noise from plant and machinery.*
14. *With the increased number of bedrooms and suites there would be additional pedestrian and vehicular activity, however, it is not an inevitable consequence that it would give rise to*

unacceptable levels of noise or anti-social behaviour. I am also mindful that higher noise levels are to be expected in mixed commercial areas and areas of tourist activity.

- 15. Hotel windows would be illuminated throughout periods of darkness but considering the comings and goings associated with patrons' independence and own work or leisure routines it is likely that lighting window conditions would be constantly changing. There is nothing to suggest that internal light levels would be excessively bright. Given the variable nature of internal lighting and that in evenings curtains would be typically drawn I am satisfied that obtrusive light spill would not occur. Furthermore, it is likely that when patrons are not in their room the key card system would turn off lights.*
- 16. As such, I am satisfied that there would be no harmful loss of privacy, light intrusion or disturbance for existing occupiers. The proposed development would therefore accord with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy (2014) (CS) which, amongst other things, requires new development to be compatible with its surroundings in terms of its relationship with nearby properties.*

Impact upon the Dorset Heathlands SPA, Ramsar and Dorset Heaths SAC

- 17. The appeal site lies within close proximity to the Dorset Heathlands SPA, Ramsar site and the Dorset Heaths SAC. The Dorset Heathlands are an extensive network of lowland heath recognised for their importance for nature conservation. As such, it is recognised by the Conservation of Habitats and Species Regulations 2017 (the Regulations) as an area of international importance.*
- 18. Adopting a precautionary principle and without mitigation new residential development is likely to have a significant effect on the sensitive interest features of the habitat sites, from human pressures and increased nitrogen levels either alone or in combination with other proposals causing harm to nature conservation. It is necessary for me, as the competent authority for the purposes of the Regulations, to conduct an Appropriate Assessment (AA) in relation to the effect of the development on the integrity of the SPA, Ramsar and SAC sites.*
- 19. The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) provides a strategic mitigation framework to secure the appropriate avoidance or mitigation measures. The document sets out Strategic Access Management and Monitoring Measures which require a mitigation payment per residential dwelling from all new development within close proximity to the protected habitat sites.*
- 20. Provided mitigation can be secured, in the form of a developer contribution, it can be concluded proposals would not have an adverse effect on the integrity of the habitat sites from recreational disturbance, when considered either alone or in combination with other proposals.*
- 21. The appellant has submitted a signed and dated UU which commits them to a financial contribution towards measures outlined in the SPD. I am satisfied that the contributions would sufficiently mitigate the development's impact on the integrity of the SPA, Ramsar Site and SAC.*
- 22. As such, the proposal would accord with CS Policy ME2 and the SPD which, amongst other things, seek to protect the Dorset Heathlands.*

Impact upon the River Avon SAC

- 23. The appeal site falls within the catchment of the River Avon SAC. It is a large lowland river system that is recognised by the Regulations as an area of international importance for its various aquatic species.*
- 24. The River Avon SAC is in an unfavourable condition due to high levels of nutrients. New overnight accommodation development has the potential to cause adverse effects either alone or in combination with other developments through discharge, within the river*

catchment, of additional phosphate and thus potentially harming the water quality of the River Avon SAC.

- 25. Adopting a precautionary approach - the conservation objectives of the habitat site may be undermined and thus it is necessary for me, as the competent authority for the purposes of the Regulations, to conduct an AA in relation to the effect of the development on the integrity of the River Avon SAC.*
- 26. The appellant has put forward mitigation, in the form of purchasing nutrient credits from the Bickton Strategic mitigation scheme, which I am told is the Natural England approved scheme for the River Avon SAC. In this regard, the appellants have received confirmation from Pennyfarthing Homes who operate the mitigation scheme that sufficient capacity would be available to provide the proposed development with credits.*
- 27. Natural England has confirmed that the proposed measures would be sufficient to avoid an adverse impact to the integrity of the habitat site in relation to its specified qualifying features. Accordingly, based on the evidence before me there is reasonable certainty that the necessary mitigation can be delivered and secured by way of a Grampian condition.*
- 28. As such, I am satisfied that the impact of the development as proposed could be mitigated and that a likely significant effect on the integrity of the River Avon SAC would not occur.*

Other Matters

- 29. There is no doubt that the local environment would change on account of the increase in the maximum height of the hotel, the overall bulk and mass of the development and the introduction of new fenestration to the rear. However, it would not be significantly taller than nearby dwellings with a recessed top floor. The design of the building would also taper down at the edges reducing its physical and visual impact. As such, there would not be an unacceptable change to the outlook experienced by occupiers in views so as to materially harm their living conditions.*
- 30. There is no substantive evidence that the proposed development would unacceptably block sunlight or daylight to neighbouring dwellings. As such, I give this very limited weight in coming to my decision.*
- 31. The Council's Parking Standard Supplementary Planning Document (SPD) indicates that the resultant optimum car parking provision would be 49 spaces. There is a privately operated pay and display 47 space car park immediately next to the hotel which is available for hotel guests and members of the public. This would provide a convenient option for most visitors. Even if this was at capacity patrons would have the option of parking at either Willow Way or Mayors Mead public car parks. Whilst capacity may be reduced due to use of the slipway at the Mayors Mead car park by boat enthusiasts this would be short term and does not significantly undermine its availability.*
- 32. Whilst some suites would have more than one bedroom it is not necessarily the case that they would generate more vehicular demand. It is conceivable that visitors such as groups or families may well choose to book a suite rather than multiple rooms and travel together in one vehicle. Furthermore, visitors would also have the option to arrive at the hotel via taxi and therefore not generate a need for parking spaces. As such, I am satisfied that sufficient parking spaces exist locally to serve the proposed development.*
- 33. Given the period of time patrons would spend at the hotel, either using its facilities or for overnight stays, visitors are likely to park considerately in designated areas rather than in an indiscriminate manner. It would be at the discretion of others under different legislation to enforce any perceived traffic or parking contraventions.*
- 34. I have been provided with photographic evidence demonstrating instances of flooding close to the site. The application is supported by a site-specific Flood Risk Assessment and Drainage Strategy and there is no substantive evidence, before me, to suggest that the development would increase the risk of flooding locally or that the overall strategy proposed would not be sufficient to serve the development. Furthermore, conditions have been*

imposed for the detailed drainage strategy including its implementation and long-term maintenance and for an emergency flood plan.

Conditions

- 35. I have considered the imposition of conditions in accordance with the Framework and the Planning Practice Guidance.*
- 36. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. Conditions for details of the external materials, soft landscaping and external lighting have been imposed in order to ensure the satisfactory appearance of the development. In the interests of sustainability a condition for an energy statement and sustainable construction scheme is considered necessary.*
- 37. In order to safeguard the living conditions of nearby residents a condition for a Demolition and Construction Environmental Management Plan and maximum noise levels from plant and machinery have been imposed.*
- 38. The Council has suggested a condition for improvement of the National Cycle Network route. However, sufficient justification as to why this condition is necessary has not been provided. As such, the condition has not been imposed. A condition for parking and cycling provision has also been suggested. The existing parking layout is to remain unaltered and thus the condition has been amended to require the provision of cycle parking only.*
- 39. So as to minimise flood risk conditions for a sustainable drainage system and an emergency flood plan are necessary. The Council has suggested a condition for the finished ground floor levels to accord with the submitted site section plan and for flood resilient measures. However, in my view, sufficient justification for the particular flood resilient measures outlined has not been provided and the proposal would have to be carried out in accordance with the approved plans. As such, this condition is not necessary and has not been imposed.*
- 40. In the interests of biodiversity conditions for a mitigation scheme in respect of the River Avon SAC and a Biodiversity Site Enhancement Plan have been imposed. Finally, a condition for the works to be carried out in accordance with the submitted Arboricultural Method Statement is considered reasonable so as to protect nearby trees.*
- 41. The Council has suggested a condition restricting construction hours. However, such matters would form part of the Demolition and Construction Environmental Management Plan and therefore a separate condition is not necessary.*

Conclusion

- 42. For the reasons set out above the appeal succeeds.*

B Thandi
INSPECTOR

Schedule of conditions

- 1. The development hereby permitted shall begin not later than three years from the date of this decision.*
- 2. The development hereby permitted shall be carried out in accordance with drawing nos Site Location Plan Drawing Number 004 Rev B; Existing GA Ground & First Floor Plan Drawing Number 001; Proposed GA Second*

Floor & Roof Plan Drawing Number 002; Existing GA Elevations Drawing Number 003; Existing Site Plan Ground Floor Drawing Number 005; Existing Site Plan Roof Plan Drawing Number 006; Proposed Site Plan Ground Floor Drawing Number 007 Rev A; Proposed Site Plan Roof Plan Drawing Number 008 Rev A; Proposed Site Section Drawing Number 009 Rev A; Proposed GA Ground & First Floor Plans Drawing Number 100 Rev A; Proposed GA Second & Third Floor Plan Drawing Number 101 Rev A; Proposed GA Roof Plan Drawing Number 102 Rev A; Proposed GA Elevations Drawing Number 200 Rev A; 3D Views Drawing Number 201 Rev A and 3D Views 2 Drawing Number 202 Rev A.

- 3. No development shall take place unless proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation, 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.**
- 4. No development shall take place until an energy strategy and sustainable construction scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.*
- 5. No development shall take place until a Demolition and Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The Demolition and Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.*
- 6. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with an approved management and maintenance plan.*
- 7. No development, above ground, shall take place until details and samples of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.*
- 8. No development, above ground, shall take place until details of the soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. The planting shall be carried out in the first planting and seeding seasons following completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are*

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9. All building services plant (including air conditioning unit and any air handling plant) shall be sited and designed in order to achieve a rating level (BS4142:2014) of 5dB below the background noise levels determined in Section 4 of the Plant Noise Assessment carried out by 24 Acoustics, dated 16th February 2023 (Ref; R9895-1, Rev 0). Within 6 months of the first use of any of the new plants hereby approved, a noise assessment shall be submitted to and approved in writing by the local planning authority.*
- 10. The development hereby permitted shall not be occupied until the cycle parking facilities have been provided in accordance with the approved plans. Thereafter those spaces shall be retained for the parking of cycles only.*
- 11. The development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement dated November 2022.*
- 12. No external lighting is to be installed other than in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority.*
- 13. The development hereby permitted shall not be occupied until an updated Biodiversity Site Enhancement Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the Ecological Assessment dated October 2022.*
- 14. The development hereby permitted shall not be occupied until an emergency plan in the event of a flood event has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the plan maintained for the lifetime of the development.*