



# Committee Report

Application Address	31-33 Wharnccliffe Road, Christchurch, BH23 5DB
Proposal	Demolition of existing buildings and erection of two apartment blocks with associated parking and landscaping
Application Number	8/24/0623/FUL
Applicant	Burry and Knight Ltd
Agent	Chapman Lily Planning Ltd
Ward and Ward Member(s)	Highcliffe & Walkford – Councillor Andy Martin and Councillor David Martin
Report Status	Public
Meeting Date	3 <sup>rd</sup> July 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	The Head of Planning considers that there are material planning considerations that warrant the application being considered by the Planning Committee.
Case Officer	Peter Walters
Is the proposal EIA Development?	No

## **Description of Proposal**

1. The applicant proposes to erect a pair of three storey apartment blocks, containing a total of 19 units, with a mix of 1no. one bedroom unit, 11no. two bedroom units and 7no. three bedroom units. The proposed development includes the provision of 37 parking spaces (including 4 visitor spaces) and a cycle store to accommodate 46 bicycles. The proposal also includes associated landscaping.

## **Description of Site and Surroundings**

2. The area is predominantly residential, although to the south is the coast and Highcliffe Beach and to the east (beyond public open space) is Highcliffe Top

Car Park. The area has traditionally been characterised by moderate sized detached dwellings set in gardens. Buildings are generally set back from the road.

3. Recent development has seen the character of the area begin to change, with blocks of apartments becoming more prevalent, particularly along the southern side of Wharncliffe Road. Building heights are largely 2-3 storey with a range of architectural styles and materials palette being employed. The majority of properties have low level boundary walls running along the front boundary.
4. The application site comprises of two separate plots each containing large detached houses. The houses are two storey in height and of mid twentieth century construction. Both are set back from the street and feature large gardens to the rear. In the north western corner of 33 Wharncliffe Road is a mature Monterey Pine (T2).

### **Relevant Planning History:**

5. 8/23/0917/PAM -Demolition of existing buildings and erection of a flatted development. 21 residential units. Pre-application advice – scheme unlikely to be supported due to the bulk and mass of a single block of flats.
6. 8/23/0149/FUL – Demolition of existing dwellings and erect a block of 23 apartments (with basement), associated parking and landscaping. Refused due to the impact on scale, height, layout and spread of built form. Also refused due to loss of TPO trees, lack of provision of affordable housing, failure to provide suitable cycle parking, impact on neighbouring amenity, the inclusion of single aspect flats and the failure to provide a contribution to heathlands mitigation.

### **Constraints**

7. Within 5km of SSSI heathlands  
Within 13.8km of New Forest SAC, SPA and Ramsar  
Approximately 130m from the coast  
Site includes trees the subject of tree preservation orders

### **Public Sector Equalities Duty**

8. 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**

9. For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations) 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.
10. 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.
11. 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.
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. Where reference is included a report to the Self-build and Custom Housebuilding Act 2015 then there should be incorporated in the assessment section at least a brief explanation that addresses this issue. E.g. that the scheme is not considered to be suitable for self-build / custom housebuilding - perhaps because it is a proposal for a block of flats and doesn't provide offer for self-build / custom housing provision / whether the current demand identified in the register for the area is being met. Where demand is not being met, officers should in particular aim to briefly reflect the outcome of discussion with the applicant on incorporating some self-build / custom housing in a proposal and any consequences to the overall planning assessment arising from this.

### **Consultations**

14. Cliff Stability – no objection
  - No objection as surface water drainage to be discharged to public sewer therefore it will not adversely impact cliff stability.
  - Details of the car park basement will need to be provided along with details of proposed temporary works which can be achieved by planning condition.
  - No concerns regarding the structure impacting cliff stability.
15. Waste Management – object

- Bin store is a suitable size to accommodate number of containers required.
  - Bin store is not within 10m of the highway to facilitate collection
  - Bin store access door should be at least 1.5m wide to facilitate collection
  - Recommend that a separate bulky goods storage space is provided to prevent the blocking of bins with large items which need to be disposed of when residents vacate or move in
  - Paths to containers and communal bin store should be 1.8m-2m wide and free from inclines of more than 1:12
  - Dropped kerb required to allow 4 wheeled containers to travel to back of collection vehicle
16. Highcliffe and Walkford Parish Council – object
- Consider that little has changed since previous application in terms of appearance, design, safety, noise levels
  - Not clear that cliff stability is acceptable **(Officer note – please see response from cliff stability team who raise no objection)**
  - Concerns re underground parking and emergency access **(Officer note – Dorset and Wiltshire Fire and Rescue have not objected – but advised that compliance with Building Regulations will be required).**
17. Dorset and Wiltshire Fire and Rescue - comments
- Proposal will need to comply with Building Regulations
18. Natural England - object
- Will need to secure mitigation for heathlands
  - Phosphates need to be mitigated **(Officer note: a scheme is now in place for this, overcoming the objection raised by Natural England)**
19. Highways Authority – no objection
- Vehicular access is acceptable
  - Use of separate car and cycle lifts is welcomed – 2 cycle lifts welcomed
  - Number of cycle parking spaces considered acceptable
  - Electrical charging provided as well as bike pumps and repair station which is welcomed to ensure bikes can be maintained
  - EV charging is indicated for half the spaces which is SPD compliant
  - Planning conditions will be required.
20. Dorset Police – no objection
- Unsure what access control will be used to secure gates into the central courtyard
  - Recommend higher security doors than required by Building Regulations
  - Recommend defensive planting or fencing to secure areas to the rear of the property and a key lockable throw bolt that can be operated from either side of the gate

- Access points to the building still need security, particularly access from the emergency stairs.
21. Biodiversity – comments
- Further details will be required in relation to bat and swift bricks/boxes to be supplied. These can be dealt with by means of a planning condition
22. Trees and Landscaping – comments
- Welcomes retention of three mature pines situated at the front of the site and welcomes the proposed tree planting and notes the species choice of Stone Pine.
  - Some concerns regarding encroachment into root protection area (RPA) of Monterey Pine (T2) by the proposed driveway and the amount of soft surfacing lost at the front.
  - The confirmation of siting of soakaways services and drainage should be provided prior to determination **(Officer note: no soakaway is proposed)**.
  - Details of the works for pruning for T2 is required due to the low hanging canopy
23. Urban Design – objection
- Some objections to amendments submitted in relation to roof form **(Officer note: the applicant has submitted amendments that have made the changes suggested by the Urban Design Officer – this is considered by the case officer to overcome the Urban Design objections)**
  - Suggested changes to the form of Block B
  - Suggested changes to the materials palette
24. Lead Local Flood Authority – no objection
- The applicant has proposed two drainage systems forward. The LLFA has a preference for the gravity fed system
  - However it is acknowledged that a pump system is a viable alternative if required
  - No objection subject to planning conditions

## Representations

25. 9 objections have been received to the proposal, with one letter of support.

The matters raised are as follows:

- Loss of family homes for apartment blocks
- Further strain on local services
- Beyond building line at the rear
- Density too high

- Impact on neighbouring residents with regards to light and visual amenity/ outlook and create overlooking
- Underground car park requires excavation of the cliff
- Lift access creates noise problems for neighbours and a safety hazard for residents and other road users
- Impact on biodiversity
- Concerns regarding the suitability of the access point
- Impact of the construction process on neighbouring amenity
- Lack of affordable housing
- Safety of access to car park
- Safety of premises if fire breaks out
- Impact of phosphates
- Concerns flats will become second homes – impact on vitality of the area

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

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

- Principle of development
- Impact on the character and appearance of the area
- Impact on neighbouring amenity
- Amenity of future occupiers
- Impact on cliff stability
- Provision of affordable housing
- Impact on highway safety
- Impact on protected trees
- Flooding and Drainage
- Impact on protected sites
- Waste Collection
- Biodiversity
- Biodiversity Net Gain
- Tilted Balance

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

### **Policy context**

28. Local documents:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan (2014) and the Highcliffe and Walkford Neighbourhood Plan (2023):

Christchurch and East Dorset Local Plan (2014):

- KS1 Presumption in Favour of Sustainable Development
- KS11 Transport and Development
- KS12 Parking Provision
- ME1 Safeguarding Biodiversity and Geodiversity
- ME2 Protection of Dorset Heathlands
- ME6 Flood Management, Mitigation and Defence
- HE2 Design of New Development
- LN1 Size and type
- LN2 Design, Layout and Density of New Development
- LN3 Provision of affordable housing

Highcliffe and Walkford Neighbourhood Plan (2023):

- HWNP8 Parking Standards
- HWNP10 Housing Design for Practical Living
- HWNP11 Retaining and Reinforcing Local Character

29. National Planning Policy Framework (“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 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**

Presumption in favour of sustainable development

30. At the heart of the NPPF is the presumption in favour of sustainable development. NPPF paragraph 11 states that in the case of decision making,

the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas of assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

31. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
32. The NPPF (2024) paragraph 78 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. Paragraph 78 goes on to state that the supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where the Housing Delivery Test indicates delivery has fallen below the local planning authority's housing requirement over the previous three years, a buffer should be included as set out in paragraph 79 of the NPPF.
33. At 1 April 2024 BCP Council had a housing land supply of 2.1 years against a 5-year housing requirement that includes a 20% buffer. For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant housing policies as out of date as the local planning authority is unable to demonstrate a five-year supply of homes.
34. In this instance, the scheme would provide 19 additional dwellings that would contribute towards the Council's housing delivery target. Overall, there is no objection to the principle of the proposed development, subject to its compliance with the adopted local policies. This is assessed below.
35. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

#### Principle of Development

36. The site is situated within the settlement boundary of Highcliffe. This is identified in policy KS2 of the Christchurch and East Dorset Local Plan (2014) as being a District Centre, the second highest category in the hierarchy which is considered to be suitable for "smaller scale residential development within the existing urban areas." Officers consider that the proposal for an additional 19 residential units is compliant with the policy categorisation. Therefore, the proposal is considered to be acceptable in principle.

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



37. The area is characterised by a mixture of residential development. Historic Aerial photography indicates that the area historically was largely characterised by predominantly detached dwellinghouses (with the exception of Marina Court, which are two 4 storey blocks of flats to the west of the site). However, in the last 10 years the character of the area has changed considerably, with the replacement of many of the dwellinghouses with blocks of flats. These are particularly prevalent on the southern side of Wharncliffe Road. As such, the character is considered to have changed to the extent that further blocks of flats are considered to be acceptable.
38. The submission of this application follows the refusal of a scheme to erect one much larger block of flats which was considered to have a harmful impact upon the character and appearance of the area. The proposed development seeks to address some of the concerns raised previously. The revised proposal is for the erection of two blocks of flats, featuring a central courtyard. The footprint of each of the blocks is comparable to neighbouring properties. In this respect, this design iteration is considered to be more appropriate and is considered to be acceptable in this respect.
39. The blocks are each three storeys in height, featuring a combination of pitched and flat roof elements. The scale of the buildings is in keeping with other buildings in the area, notably the blocks of flats to the west of the application site. The proposed scale is therefore considered to be not incongruous in the context of the local area. The form of the buildings in the area vary, with a mix of traditional building forms including dual pitched roofs, mid twentieth century, flat roof blocks of flats and contemporary buildings with gently mono pitched roofs. The proposed buildings are considered to complement the existing street scene in this respect.
40. The proposed materials palette includes the use of buff brick bases with a mixture of render, wood and light grey metal effect cladding. This has been amended from the initial submission which included the use of green which was amended following concerns raised by the Council's Urban Design Officer. The surrounding area features a variety of materials and therefore following the amendments provided, the proposed materials are considered to be acceptable. The proposed development employs large amounts of fenestration, including on the gable ends on the south elevations. This is in keeping with other modern developments in the area and would not be incongruous with the area.
41. Concerns were previously raised regarding the single aspect nature of some of the flats in the previous scheme. The separation of one unit into two has allowed for a layout that ensures that all accommodation has at least two outlooks. While it is acknowledged that some of the outlooks will be into the courtyard and will not allow for significant outlooks, it will increase light and ventilation into the flats and as such is considered to be acceptable in this respect.

42. The central courtyard will provide the entrance to each block of the flats and will be secured by a security gate. The Police Liaison has advised that there is a potential risk to safety and for crime to occur if the security of the gate is not sufficient. Officers therefore consider that it would be appropriate to condition details of the gates to be provided to ensure that this is the case.
43. The area is noted for large amenity space to the rear of the properties. While it is noted that some of the amenity space will be lost as a result of the increased size, it nonetheless will retain a significant amount of amenity space for use by future occupiers. A landscaping scheme has been provided which shows this, as well as landscaping to be provided around the development. This is considered to be acceptable.
44. Taking account of the above, the proposals are considered to be acceptable in terms of their impact upon the character and appearance of the area and will comply with policies HE2 and LN2 of the Christchurch and East Dorset Local Plan (2014).

#### Impact on neighbouring amenity

45. The proposed development is situated in close proximity to neighbouring properties to the east and west of the development. As such, there are limited windows on the east elevation of Block A and the west elevation of Block B. Nearly all the windows on each elevation above the ground floor are obscurely glazed in order to protect the privacy of the neighbouring residents. It is noted that the window serving bedroom 2 in apartment 9 (Block B) is not obscurely glazed as it is the only window serving this room. However, this window is set back into the building. It is noted that most of the windows on the neighbouring property 29 are also obscurely glazed with the exception of one window also serving a bedroom. The two windows are considered to be obscurely angled and therefore there is not considered to be overlooking between the properties.
46. The proposal includes balconies on both the north and south elevations. The balconies on the north elevation are facing Wharncliffe Road. While they will allow some overlooking into the front amenity space of the neighbouring properties on the east and west this relationship is considered to be acceptable given that there is overlooking from Wharncliffe Road.
47. Balconies are also proposed to the southern (rear) elevation. It is considered that there is a greater potential for harmful overlooking from these balconies into the private amenity space of the neighbouring residents. The applicant proposes to erect privacy screens to a height of 1.8m above the floor level. This is considered to be an acceptable solution in order to provide adequate privacy for the neighbouring residents. A planning condition will be applied in order to ensure that this is achieved.
48. The proposed development will be a similar height to 29 Wharncliffe Road and to 35 Wharncliffe Road. As such, the proposed development will not be overbearing on the neighbouring properties.

49. There will be a degree of loss of sunlight to the window serving two bedrooms of 29 Wharnccliffe Road. However, given the altering character of the area it is accepted that the replacement of larger apartment blocks will have a degree of impact on neighbouring residents. It is noted that the affected flats (Units 1 and 4) in 29 Wharnccliffe Road is treble aspect, and therefore, the loss of light to this flat in particular is considered to be acceptable. Officers note that some of the neighbouring residents have referenced that the rear building line of the proposed blocks projects beyond that of the existing buildings by approximately 4.5m. The applicant has demonstrated on the plans that the sunlight paths to the neighbouring properties will be retained (including accounting for the position of the balconies). As such, officers are satisfied that the proposal will not have a harmful impact on the amenity of the neighbouring residents in this respect.
50. Taking the above into account officers consider that the impact of the proposal on neighbouring residents is considered to be acceptable and complies with Policy HE2 of the Christchurch and East Dorset Local Plan (2014).

#### Amenity of future occupiers

51. The proposal includes 19 flats, ranging between 1 bed 2 person to 3 bed 2 person accommodation. All the proposed flats exceed the minimal space standards set out in the National Technical Guidance. In this respect, the proposal is considered to be acceptable. The proposed development will provide amenity space for the residents of the flats, with balconies for the flats from the first floor upwards. The ground floor flat will also have their own terraces. Beyond this, amenity space will be retained to the rear of the site for the use of the residents. This is considered to be acceptable.
52. The layout of the two buildings has been designed so that there is no overlooking between the windows of the flats looking at each other in the courtyard. As discussed above, the gates providing access to the central courtyard will need to have adequate security measures to protect the amenity of the future occupiers. In addition, details will need to be provided of boundary treatment at either side of the buildings to prevent unauthorised access to the rear garden. This will be dealt with by means of planning conditions.
53. Taking the above into account, the proposal is considered to be acceptable in terms of the amenity for future occupiers and complies with Policies HE2 and LN2 of the Christchurch and East Dorset Local Plan (2014).

#### Impact on cliff stability

54. The rear of the site is situated approximately 19m from the edge of the clifftop. The basement of the building (which projects further than the above ground footprint) would be approximately 43m from the cliff top. Given the proximity of the site to the cliff and also given that the proposal includes the excavation of

land to provide a basement, the Council's Cliff Stability Team have been consulted.

55. They are satisfied that the construction of the above ground structure will not have a harmful impact on the stability of the cliff. It is noted that there could be a degree of impact from the basement however subject to a condition requiring details of the construction of the basement to be provided this is considered to be acceptable.
56. It is noted that the applicant proposes to remove surface water runoff from the site by means of attenuation and discharge into the sewer, as opposed to by using a soakaway. As such, the drainage of the scheme is not considered to be likely to undermine the stability of the cliff.
57. Taking the above into account, the proposal is considered to be acceptable in terms of the impact on the stability of the cliff and complies with Policy HE2 of the Christchurch and East Dorset Local Plan (2014).

#### Provision of affordable housing

58. The proposal does not include provision for any affordable housing. The applicant has provided a viability assessment setting out that the proposed development will not be viable with the provision of affordable housing. The Council have had the viability assessed independently and the conclusion of the assessment is that the proposal would not be viable to provide affordable housing. The proposal is therefore considered to be acceptable in this regard and complies with Policy LN3 of the Christchurch and East Dorset Local Plan (2014).

#### Impact on highway safety

59. Vehicular access to the site will be provided from the north eastern corner of the site, from Wharncliffe Road. The access will lead to two car lifts to access the basement car park, with a separate lift for cycle parking. The lifts themselves are set back from the entrance to the site sufficiently to ensure that waiting cars are clear of the public highway. The use of separate lifts for cycles creates a safer environment for cycle users.
60. The cycle parking to be provided includes 44 spaces for residents and 2 visitor spaces. This is compliant with Table 9 – C3 Flats of the Council's Parking SPD and is therefore considered to be acceptable. In addition, the applicant proposes 2 mobility parking spaces and 4 visitor cycle bays which is also welcomed. In addition, the cycle store will include electrical charging as well as bike pumps and a repair station to ensure bikes can be maintained. This encourages sustainable modes of transport. The layout of the cycle park is considered to be appropriate, using Sheffield stands. Two cycle lifts are proposed which is welcomed as an alternative is provided if one requires servicing or repairs.

61. The proposal includes parking for 26 resident vehicles, and 5 visitor spaces. This is compliant with the Parking SPD. Electric vehicle charging is indicated for half of the residential car parking spaces and this is also SPD compliant. As a result of the above the Local Highways Authority (LHA) has no objection to the proposal, subject to planning conditions relating to the provision of a construction management plan, the construction of visibility splays, the provision of the cycle and car parking and the closure of the existing access.
62. The LHA had also recommended the inclusion of a planning condition related to the provision of EV charging points, however since their comments were received, guidance has been updated and this will now be covered by Building Regulations.
63. Taking into account the above the proposal is considered to be compliant with the BCP Parking SPD and policy KS12 of the Christchurch and East Dorset Local Plan (2014) and have an acceptable impact upon highway safety.

#### Impact on protected trees

64. There are three protected trees situated at the front of the site. In addition to being protected they are considered have amenity value and contribute to the character of the area. The applicant intends to retain the trees which is welcomed. The Arboricultural Officer has advised that the details of the proposed services and drainage should be provided prior to approval of the application. The applicant has done so and officers note that one of the sewers will cross one of the root protection areas. The drainage strategy indicates that this area should be dug by hand, however, officers consider that it is necessary to condition that a further detailed strategy should be provided prior to the commencement of the development in order to ensure that the trees are protected during the construction of the drainage system.
65. In addition, some concerns have been raised regarding the amount of pruning that will be required to tree T2. Officers consider that this should be detailed in the strategy submitted by condition. Subject to these conditions, officers are satisfied that the proposal will be acceptable in terms of protecting the trees and the proposal is considered to be compliant with Policy ME1 of the Christchurch and East Dorset Local Plan (2014).

#### Flooding and Drainage

66. The site is situated in Flood Risk Zone 1 and is therefore acceptable in this regard. Given the proximity of the site to the cliff edge, it is not appropriate to deal with surface water run off by means of a soakaway. The applicant is proposing an attenuation system to the public sewer, which is considered to have the capacity to accommodate this. The preference would be for this to be gravity fed, as set out in National Planning Practice Guidance (NPPG).
67. The applicant has provided two proposed systems, one is gravity fed, while the other relies on a pump. The Lead Local Flood Authority is satisfied that solutions not requiring a pump are being explored in the first instance (in line

with the NPPG), however accept that if this is not achievable a pumped system would be an acceptable alternative. They have recommended planning conditions requiring the final design to be submitted to the Council and approved.

68. Officers consider that subject to the suggested planning conditions, the proposal will be acceptable in terms of flooding and drainage and is compliant with Policy ME6 of the Christchurch and East Dorset Local Plan (2014).

#### Impact on protected sites

69. 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 £5,592 plus an administration fee of £279 is considered necessary for the purposes of such mitigation; such contribution to be secured by way of an appropriate legal agreement.
70. 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.
71. 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 integrity in accordance with recent case law.
72. An appropriate assessment must be undertaken to ensure there is no reasonable scientific doubt as to the effects of the proposal, in combination with other developments on this SAC. Natural England advise that all new residential developments like this one, including those of a smaller scale 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.
73. The applicant has submitted the Natural England approved calculation of phosphate load from the development into the River Avon SAC and have secured the required credits from a registered provider to offset the impact of phosphates into the River Avon SAC.

74. Taking this into account, subject to a Grampian condition requiring the purchase of the required credits the proposal is considered to successfully mitigate the harm that would be caused by the increase of phosphate load from the development into the River Avon SAC and therefore is compliant with Policy ME1 – Safeguarding Biodiversity and Geodiversity of the Christchurch and East Dorset Local Plan Core Strategy (2014). A separate Appropriate Assessment accompanies this.
75. Natural England have advised that the Council must consider the impact of residential development on any development within 13.8km of the New Forest SPA, SAC and Ramsar site, which is the case for this development. The Council is advised that an Appropriate Assessment is required and mitigation will be required. The Council has concluded that this can be achieved in the form of a Grampian condition.
76. Taking the above into account, subject to the conditions outlined and appropriate mitigation measures secured by legal agreement, the proposal is not considered to have a harmful impact on protected sites and is compliant with policies ME1 and ME2 of the Christchurch and East Dorset Local Plan (2014).

#### Waste Collection

77. The proposed development includes an internal waste store situated in the north eastern corner of the building. The Council's waste team raised concerns regarding the size of the access door to the store not being of sufficient width. The applicant has amended the scheme to take account of this change.
78. The other concern raised by the team relates to the waste store being situated more than 10m from the kerbside, which is the maximum distance acceptable for Council kerbside collections. Officers have explored with the applicant whether an external store could be provided, as is the case with the neighbouring properties. However, the retention of the three protected trees on the site mean that the front of the site is constrained. The agent has advised that a private waste collection service will be provided for the development. While not the optimum solution, it is accepted that this provides a pragmatic way forward. In addition, officers are minded that the Titled Balance set out in paragraph 11d of the NPPF will apply. Given that there is a solution to the matter, officers consider that the proposal is acceptable in this regard, subject to a planning condition requiring further a full waste management plan to be provided. The proposal is considered to be compliant with policy HE2 of the Christchurch and East Dorset Local Plan (2014).

#### Biodiversity

79. The applicant has provided a preliminary ecological survey and a bat building survey of the application site. The survey noted that the site has ladies tresses orchids (*Spiranthes spiralis*) present and also had suitable habitat for

reptiles. A reptile and botanical walkover of the site was subsequently undertaken. The survey determined the following:

*“The habitat present onsite is suitable for reptiles. But the presence of a cat on site, will limit them to the denser vegetation at the perimeters. Therefore, no further reptile surveys are required. Ladies tresses orchids are likely to be part of a wider population and may appear spontaneously. Species rich turf from the front of the property was relocated to the area to be retained at the rear.*

*A precautionary approach to site clearance in respect to breeding birds, reptiles, and foraging badgers is recommended to minimise any adverse impacts on these protected species groups.”*

80. The Council's Ecologist has considered the report and concurs with the findings. Planning conditions will be required to provide bat and swift boxes and to ensure that vegetation clearance takes place outside of the bird breeding season (1<sup>st</sup> March – 31<sup>st</sup> August inclusive).
81. Officers consider that subject to imposition of the planning conditions the proposal will not have a harmful impact on protected species and is compliant with policy ME1 of the Christchurch and East Dorset Local Plan (2014).

#### Biodiversity Net Gain

82. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states “every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”
83. 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 at Policy ME1 – Safeguarding biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
84. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021. An ecological impact assessment and Statutory Biodiversity Metric has been submitted with the application. The metric demonstrates that 10.27% BNG can be achieved. Habitats of medium distinctiveness in low/moderate condition are being retained on site, these are urban trees. Habitats of low distinctiveness, in this case a vegetated garden, will be created.
85. As the 10% biodiversity net gain has been demonstrated as being achievable, through a mix of retention of existing habitats and creation of onsite habitats the proposal is compliant with the relevant legislation and policy ME1 of the Christchurch and East Dorset Local Plan (2014).



## **Planning Balance / Conclusion**

86. At the heart of the NPPF is the presumption in favour of sustainable development. NPPF paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas of assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
87. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
88. The NPPF (2024) paragraph 78 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. Paragraph 78 goes on to state that the supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where the Housing Delivery Test indicates delivery has fallen below the local planning authority's housing requirement over the previous three years, a buffer should be included as set out in paragraph 79 of the NPPF.
89. At 1 April 2024 BCP Council had a housing land supply of 2.1 years against a 5-year housing requirement that includes a 20% buffer. For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant housing policies as out of date as the local planning authority is unable to demonstrate a five-year supply of homes. Paragraph 11d (i) states that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the NPPF references the areas or assets of particular importance referred to in the NPPF and includes: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change. In this instance, the site is not situated within these designations. Therefore, paragraph 11d (ii) should be applied considering whether any adverse impacts of granting planning permission 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.

90. In this instance, the scheme would provide 19 additional dwellings that would contribute towards the Council's housing delivery target. The development would also provide employment during the construction process which is a public benefit. However, the proposed development provides no contribution to affordable housing which weighs against the proposal. Considering the planning balance, the proposed development is considered overall to provide benefits in the form of contributing to meeting the 5 year housing land supply that outweigh the disadvantages of the scheme.

### **Recommendation**

**GRANT permission for the reasons as set out in this report subject to the following conditions and the S106 providing SAMMs Heathlands payment:**

### **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:

P007 Block and Location Plans  
2392/1B Landscape Proposal  
P001-02 Amended Site Plan  
P003-01 Amended Ground Floor Plan  
P004-01 Amended First Floor Plan  
P005-01 Amended Second Floor Plan  
P002-01 Amended Basement Floor Plan  
P013 Rev A Courtyard Elevations  
P011 Rev C East and West Elevations  
P008 Rev C North and South Elevations  
P006 Rev 2 Roof Plan

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

3. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The

approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site:
  - o Deliveries, waste, cranes, equipment, plant, works, visitors;
  - o Size of construction vehicles;
  - o The use of a consolidation operation or scheme for the delivery of materials and goods;
  - o Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
  - o Programming;
  - o Waste management;
  - o Construction methodology;
  - o Shared deliveries;
  - o Car sharing;
  - o Travel planning;
  - o Local workforce;
  - o Parking facilities for staff and visitors;
  - o On-site facilities;
  - o A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Locations for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes;
- Method of preventing mud being carried onto the highway;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development

4. The detailed drainage scheme submitted with the application shall be implemented in full and as detailed.

Reason: To ensure that proper provision is made for a drainage scheme and to ensure no changes are made that may undermine the stability of the cliff.

5. The design of any foundation, excavation and dewatering arrangements (if required) for both the temporary and permanent case, shall assess the potential for induced settlements and any adverse impacts on global stability in consideration of the adjacent built structures, services and Sea Cliff.

Accordingly full calculations demonstrating that i) an adequate factor of safety for global stability will be maintained and ii) predicted settlements will be within tolerable limits, such that no adverse impacts will result from the proposed structure(s) in relation to ground stability. Such calculations shall be submitted to BCP for consideration prior to the commencement of groundworks.

Reason: To ensure the development does not result in any ground instability, in accordance with the Christchurch Local Plan 2014

6. No part of the development hereby permitted shall be occupied unless the visibility splay areas as shown on approved plans have first been cleared and excavated to a level not exceeding 0.6 metres above the relative level of the adjacent highway. The visibility splay areas shall at all times thereafter be retained at that level, kept free from all obstructions and maintained in a way that ensures that they provide clear visibility to and from the highway and any access associated with the visibility splays.

Reason: In the interests of highway safety.

7. Before the development is occupied or utilised the cycle parking facilities, including the cycle lifts shown on the hereby approved plans must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified at all times.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

8. Prior to occupation of the development hereby permitted, the proposed access, parking and turning areas shall be constructed in a bound material and arranged in accordance with approved plans and permanently retained and kept available for its intended purpose, at all times. In addition, the approved car lifts shall be installed in full and maintained thereafter.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon in accordance with Policy KS12 of the East Dorset and Christchurch adopted Local Plan 2002.

9. Before the development is occupied or utilised, any areas of redundant existing highway vehicular crossing must be expunged and reinstated to a specification to the satisfaction of the Local Highway Authority.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.

10. No part of the development hereby permitted shall be occupied] unless a Refuse Management Plan have first been submitted to and approved in writing by the local planning authority that shall in particular include:

[(a) Details of the private contractor who will initially be responsible for the collection of household waste from the development including how that waste will be collected, taken away and how frequently;

(b) Details of any management company to be set up that will operate such arrangements; and

(c) Measures to secure the on-going future private collection of all household waste from the development including arrangements for the collection of waste if no private contractor is available at any time in the future (for example arrangements that will secure the positioning of bins on the day of collection in a location that is considered suitably accessible).

The approved Refuse Management Plan shall be accorded with at all times. No bins shall be stored in the open or at any collection point shown on any of any approved plans relating to the development hereby permitted apart from on the day of collection.

Reason: To ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities.

11. No part of the development hereby permitted shall be occupied unless all the biodiversity measures identified in approved document Preliminary Ecological Appraisal and Bat Building Survey dated 09/01/2023 have first been fully provided as approved and thereafter those measures shall at all times be retained and also managed and maintained in accordance with the details in the approved document.

Reason: In order to ensure the required biodiversity measures are provided.

12. No part of the development hereby permitted shall be commenced, including any site clearance, the digging of any trenches and the bringing on to the application site of any equipment, materials and machinery for use in connection with the implementation of the development, unless details of:

(a) The location, size and materials of all barriers and ground protection measures that will be provided for trees that are to be retained on site together with the location of all such retained trees; and

(b) A timetable for the provision of the specified measures, all in accordance with BS5837:2012 "Trees in relation to design, demolition and construction - Recommendations" (or an equivalent British Standard if replaced) have first been submitted to and approved in writing by the local planning authority ("the Approved Tree Protection Measures"). The development shall only be carried out in accordance with the Approved Tree Protection Measures and all the approved barriers and measures shall be retained until both the development has been completed and all equipment, machinery and surplus materials relating to the construction of the development has been removed from the site, unless an alternative time is provided for in the approved details.

Until such time as the Approved Tree Protection Measures have all been removed, nothing shall be stored or placed in any area secured by any part of the Tree Protection Measures nor shall the ground levels within those areas be altered or any excavation made without the written consent of the local planning authority.

Reason: To ensure that retained trees and their rooting environments are afforded adequate physical protection and this is a pre-commencement condition to prevent any harm being caused to those trees that might result from any other work being carried out in relation to the development.

13. The development hereby permitted shall only be constructed of materials the details of which are set out on the application form and in approved plans.

Reason: To safeguard the visual amenities of the locality.

14. 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.

15. Prior to the first occupation of the dwellings hereby approved, a detailed strategy for the mitigation of the adverse effects arising from the development on the New Forest SAC, New Forest SPA and New Forest Ramsar site shall be submitted to and approved in writing by the local planning authority. The strategy as approved shall be carried out before any residential unit hereby permitted is first occupied.

Reason: To ensure that the development does not lead to increased recreational pressure and associated adverse effects on New Forest SAC, New Forest SPA and New Forest Ramsar site.

16. No part of the development hereby permitted shall be constructed above damp proof course level unless full details of obscure glazed screens of at least 1.8 metres in height to be erected along the sides of all the balconies as marked on the approved plans have first been submitted to and approved in writing by the local planning authority. No part of the balconies shall be used unless the screen has been erected in accordance with the approved details and the screen shall thereafter at all times be retained as such.

Reason: To protect the amenity and privacy of adjoining residential properties.

17. No part of the development hereby permitted shall be constructed above damp proof course level unless details of the gates to the courtyard and also gates and boundary treatment separating the rear garden from the front agreed. Details as to the positions, designs, materials and types of gates and boundary treatment to be provided in respect of the development shall first be submitted to and approved in writing by the local planning authority. No part of the development shall be occupied unless the gates and boundary treatment have been fully provided in accordance with the approved details and the approved gates and boundary treatment shall at all times thereafter be retained.

Reason: In the interests of amenity and security.

## **Informatives**

1. 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.

2. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to this development. The Council will shortly be issuing a CIL Liability Notice following the grant of this permission which will provide information on the applicant's obligations.
3. This grant of permission is to be read in conjunction with the Legal Agreement dated 28th May 2025 entered into between BCP Council and Burry & Knight Ltd.

### **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.