



Planning Committee

Application Address	The Beach House Cafe Mudeford Sandbank Christchurch BH6 4EN
Proposal	Replacement cafe building (permanent)
Application Number	P/25/01461/FUL
Applicant	Mr K Slater
Agent	Mrs Clare Spiller Chapman Lily Planning Ltd
Ward	East Southbourne & Tuckton Councillor Bernadette Nanovo Councillor Judy Richardson
Report Status	Public
Meeting Date	23 October 2025
Recommendation	GRANT subject to conditions
Reason for Referral to Planning Committee	Referred by the Director of Planning and Transport because BCP Council is the landowner and in view of the significant public interest with more than 10 letters of objection.
Case Officer	Jenny James
Is the proposal EIA Development?	No

Description of Proposal

1. Full planning permission is sought for a replacement café / restaurant and bar with take away food outlet and shop.

2. The replacement building would be one storey high with an open-air section in the central part of the café that would have a canopy erected over during the winter months. The proposed roof profile seeks to reference the existing beach hut form although slightly higher and wider and in a joined format.
3. The forward part nearest the harbour would have an external deck and seating area with a lightweight frame over it to support solar shading and overhead and privacy louvres to the side.
4. The building will be simply constructed, like the beach huts and retain a lightweight appearance, with a glazed and silvered composite weatherboard exterior.
5. Internally, a large open plan floor with posts and beams supporting the overhead structure that will support a canopy through the winter months. The design provides a flexible and naturally lit floor space.
6. The main entrance is to the south side with an access ramp and stairs into the central café space, where the order point and servery is located, with varied seating space on either side for dining in, or waiting for take away food. There are two w/c provided, one of which is wheelchair accessible.
7. To the east side of the main entrance is the entrance to a shop with take-away hatch element to serve the local beach hut owners. The staff entrance is to the side of this leading into the kitchen and servery. The kitchen/servery, shop and café w/cs are to be constructed by re-using the existing containers on site.
8. To the rear of the kitchen is a covered external store area and a replacement electrical sub station that is to be enclosed within the clad elevations of the proposal.
9. A simple landscaping scheme is shown outside the site perimeter using dune stabilizing grasses. The facing cladding materials will be non-combustible composite board that will be silvered and weathered in appearance. It will be robust and capable of withstanding prevailing weather while blending with the surrounding character.
10. Additional plans and information were required during the application to explain in more detail how the roof would look in summer vs winter; to give more detail in the Noise Assessment; and further confirmations that there is no Russian Vine found on the site.

Background

11. The majority of the above-described scheme was approved under an extant permission ref 7-2022-11229-P which, subject to the discharge of conditions, forms a fallback position which is to be attributed significant material weight in the following assessment. There are some minor changes within the proposal, which are as follows;
 - The removal of the roof to the central area of the café
 - The change to the main entrance which is no longer enclosed
 - Changes to the steps and ramped access
 - Changes to the internal layout to accommodate the re-use of the containers and other minor changes
 - The reuse of containers within the structure of the proposal
 - Increase in finished floor level from 2.0m AOD to 2.15m AOD
12. Separately there are two ongoing planning enforcement issues that do not form part of this assessment as they are not included within this application, and they are both outside the redline boundary of the site.
13. One relates to the use of picnic tables as additional seating for customers of the café – this issue is being assessed under ref P/25/03404/FUL.

14. The other relates to the unauthorised use of the Beach Shop as a hot food takeaway which is under investigation and may be the subject of a future application. There are some more recent issues raised relating to additional vending huts, advertising boards and flag poles which are still being investigated by the Council.
15. The built form is exactly the same in this proposal in terms of site coverage, height and general external appearance with the exception of a small section of access ramp that measures 1.5sqm which is required to meet the correct slope for accessibility reasons and the removal of the roof cladding in the central area.

Description of Site and Surroundings

16. The application site is located on Mudeford Sandbank. The Beach House faces onto Christchurch Harbour on the western side. On the eastern side, beach huts sit immediately to the rear on the seaward side. There are further beach huts on the northern and southern sides, with the huts extending the full length of the Spit, to Hengistbury Head to the south and Mudeford Quay to the north.
17. To the west of the site sits the jetty served by the local ferry, accessed across the unsurfaced track and beach. Public toilets sit to the south of the site, in amongst the beach huts. The bin store sits to the rear of the Beach Shop and Office. Picnic tables with seats sit outside the café to the west, which are subject to a separate planning application.
18. The site falls within flood zone 3a. The proposal for a replacement café is classed as a 'less vulnerable use' using the definitions as set out in the Flooding Technical Guidance. Therefore, the users of the proposed facility will be placed in no greater danger than using the existing café. This application is supported by a site-specific flood risk assessment which sets out the flood resistant and resilient measures incorporated into this proposed replacement building.

Relevant Planning History:

19. 7-2004-11229-J: Alterations, extensions, erection of extractor flue and decking area (Existing unauthorised). Approved Oct 2004.
20. 7-2018-11229-L: Alterations and extension to external decking area. Withdrawn Mar 2018.
21. PRE-11229: Proposed New Beach House Café - Response Jan 2020. The Pre-App provided a detailed response to the Applicants ahead of the formal application to re-build the new – taller Café.
22. 7-2020-11229-M: Erection of Café with associated storeroom, etc – Withdrawn due to objections to the design - Dec 2020.
23. 7-2021-11229-N: Use of land for the temporary siting of 4 storage containers in connection with the existing use of the site for the sale and consumption of food & refreshments - Existing unauthorised – Approved 22.12.2022
24. 7-2021-11229-O: Erection of Cafe with associated storage including bin store - regulation 3 – Approved 05.10.2021
25. 7-2021-11229-P: Erection of a single storey building for use as a cafe, involving demolition of existing open-air café – Approved 22.12.2022 – EXTANT PERMISSION.
26. P/25/01460/ADV - Signage on The Spit at Mudeford – Pending decision, dependant on Full application under consideration.

Lawful Use of the site

27. The concerns raised by the public in respect of the perceived increases in footprint are noted. This application assesses a new development, not what is currently on site.
28. The aforementioned enforcement cases are ongoing and do not form part of this assessment as they are not included within this application or the red line which defines the site.

Constraints

29. The following constraints have been identified.

- Env. Agency Tidal Flood Zone 3a;
- Designated Green Belt;
- Nature Conservation

National Designation (Nearby)

Highcliffe to Milford Cliffs SSSI, 1,966m NE
Christchurch Harbour, SSSI, 14m W

County Designation (Nearby)

Hengistbury Head Local Nature Reserve (LNR), 411m SW
Stanpit March LNR, 1,024m NW
Steamer Point LNR, 1,968m NE

Local Designation (Within)

Mudford Spit SNCI Nature Reserve

Public Sector Equalities Duty

30. 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

31. 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.
32. 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. In this case the site will be subject to normal licencing conditions which would help to control and anti-social behaviour.

33. 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.
34. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination;
35. For the purposes of s28G Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site of special scientific interest is of scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest;
36. The Flood and Water Management Act 2010 places a duty on all flood risk management authorities to co-operate with each other. Lead local flood authorities are required, under section 21 of the Flood and Water Management Act, to maintain a register of structures and features which are likely to have a significant effect on flood risk in their area. The Act requires flood and coastal erosion risk management authorities to aim to contribute towards the achievement of sustainable development when exercising their flood and coastal erosion risk management functions. The Technical advice issues by the SoS requires in 3.1 (DEFRA, PB13640, 2011) to ensure decision making takes "account of the safety and wellbeing of people and the ecosystems upon which they depend", and "taking action to avoid exposing current and future generations to increasing risk

Consultations

37. The following parties were consulted on the proposals. Detailed commentaries are given in relevant sections of this report. Summaries are given here;
38. Highway Officer: No objections subject to conditions.
39. Environmental Health Officer: No objections subject to conditions.
40. Flood & Coastal Erosion Risk Team: No objections subject to conditions
41. Environment Agency: Raised issues with FRA, which are being revised to reflect most recent data available, a revised FRA was submitted and the objection removed subject to a condition regarding finished floor levels.
42. Ecology Officer: No objections subject to conditions.
43. Dorset Wildlife Trust: No comment
44. Natural England: No comment

Representations

45. Site notices were posted in the vicinity of the application site with an expiry date for consultation of 25.06.2025. Additional information was received during the application but as there was no material change to the application it was not necessary to reconsult.

- 8 Support comments were received.
- 27 Objection comments were received, of which 12 are within the 1-mile radius of the site.
- Both Ward Councillors have expressed concern with the scheme primarily in relation to residents' concerns about pollution and air quality that may have been affected by the use of a wood fired stove to heat the sauna.

46. A summary of the objections and support comments are as follows,

Objections

- The general noise from the site is unacceptable and has increased over the years.
- The events and music are too loud and disruptive to the nearby residential beach hut occupiers. Should be restricted to 8pm at the latest.
- The development is getting larger, and there is commercial creep and is becoming out of control.
- The takeaway offer has grown too large.
- The increased commercial operation is harmful to the residential amenity of hut occupiers.
- Anti-social behaviour has increased.
- Too much advertising for the café and events attracting too much footfall. It should be limited to pre fire amounts.
- Too much litter is created by the takeaway operations, single use cutlery and plates should be banned.
- Maintenance should be required.
- Commercial waste should be in redline boundary.
- The building should be enclosed to contain the noise.
- The hours of operation should be limited further.

47. Evidence of protecting habitats should be required.

48. Flag poles, advertising boards additional food and alcohol vending areas without planning permission.

Support comments

- The proposal suits the surroundings.
- The shop would be much needed.
- The design is of good quality.

- It will be a relief to have a proper structure back on the site.
- There is general support for the revised proposal.
- The proposal will offer better facilities to the beach.
- It will great asset and add value to the Southbourne area and make it desirable.

49. As Members will be aware the number of representations is not a determining factor in planning decisions. What is important is the validity of points that are made. Many of these issues are discussed below.

Key Issue(s)

50. The key issues involved with this proposal are:

- Principle
- Impact on the Green Belt;
- Impacts from Flood Risk Zone 3;
- Impact on the SNCI and SSSI;
- Impact upon the character of the Mudeford Sandbank Spit;
- Impact on Amenity enjoyed by adjacent beach huts;
- Access & Highways; and
- Waste Management issues;
- Other Environmental and Ecological considerations;

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

Policy context

52. 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...

Bournemouth Local Plan Core Strategy (2012)

CS1: NPPF and Sustainable Development
 CS2: Sustainable Homes and Premises
 CS3: Sustainable Energy and Heat
 CS4: Surface Water Flooding
 CS6: Delivering Sustainable Communities
 CS18: Increasing Opportunities for Cycling and Walking
 CS29: Protecting Tourism and Cultural Facilities
 CS34: Sites of Special Scientific Interest
 CS35: Nature and Geological Conservation Interests
 CS37: Green Belt CS38: Minimising Pollution
 CS39: Designated Heritage Assets
 CS41: Design Quality

Bournemouth District Wide Local Plan (2002)

3.20: Contamination
3.28: Flooding
4.25: Trees and Landscaping

Supplementary Planning Documents:

Sustainable Urban Drainage Systems (SUDS) – PGN
BCP Parking Standards – SPD

Bournemouth Borough Council 'Seafront Strategy 2007'

The Seafront Strategy is a corporate policy adopted in 2022. It does not form part of the Statutory Development Plan but is a key Council objective. It supports investment and tourism enhancement and the following aims

1. Creating a more environmentally sustainable seafront;
2. Achieving reinvestment, economic regeneration and a sustainable product;
3. Delivering truly memorable customer experiences
4. Re-building the Beach House Café' and
5. *'Continue to manage the sandbank in a sustainable fashion, maintaining its current character and protecting the sensitive natural environment'*

Mudford Sandbank Management Plan April 2014 – March 2024

Planning Assessment

Presumption in favour of sustainable development

53. 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.
54. For decision-taking this means:
- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole."
55. The relevant sections of the NPPF for this assessment are,

Section 2 – Achieving sustainable development

Section 6 – Building a strong, competitive economy;

Section 8 – Promoting healthy and safe communities;

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 – Achieving well-designed spaces;

Section 13 - Protecting Green Belt land

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

Section 15 – Conserving and enhancing the natural environment.

Principle of development

56. The principle of a customer serving beach café, restaurant, bar and tuckshop has been established on this site by way of previous historic operation (prior to the fire which destroyed the premises) and since that time through the granting of multiple planning permissions as set out in the planning history section above.
57. This proposal is very similar to the extant permission with the exception of minor changes including the removal of the permanent roof over the central part of the café; changes to the main entrance which is no longer enclosed; changes to the steps and ramped access, with a small increase in the length of the ramp amounting to 1.5sqm of additional structure; changes to the internal layout to accommodate the re-use of the containers and other minor changes. It should be noted the containers will not be discernible from the outside of the development as the proposed cladding will cover all elevations. The overall size and height and general appearance of the building is not proposed to increase or materially change.
58. The use of the site as a café/restaurant with ancillary take away offer is already established as lawful, and the proposal does not include any discernible increase or intensification and therefore is still considered acceptable.
59. The proposal would support tourism as set out in policy CS29 (Protecting Tourism and Cultural Facilities) and preserves the tourism use of the site. It is also in accordance with policy CS6 (Delivering Sustainable Communities) as it maintains a balance in development opportunities whilst enhancing key facilities.
60. 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.

Impact on the Green Belt

61. The site falls within the designated Green Belt. Para 153 of the NPPF states that considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.
62. The site benefits from an extant permission (7-2021-11229-P) for an almost identical structure and therefore this forms a realistic and likely fallback position in planning terms. The permission expires on 22/12/2025.

63. The proposal would, as described and accepted in the previous application, remove unsightly clutter of dilapidated buildings from the rear of the café and replace them with a cohesive built form, of a scale and appearance more complementary and sensitive to the location. The proposal in terms of scale and massing and location would largely be screened from view from the wider Green Belt by the beach huts and have no material impact at all on the 'openness' of the Sandbank; the Spit; or Christchurch Harbour, beyond what has previously been approved or lawfully existed on the site.
64. The two minor changes within this proposal are the removal of the solid roof cladding in the central area of the cafe, which would have a slightly lesser impact on the openness of the greenbelt, and so can be found acceptable in this case.
65. The minor increase of the access ramp is limited to about 1.5sqm and is at very low level. This would not have any impact to the openness of the Greenbelt and could be argued to be di minimis in planning terms. The proposal does not cause any increased harm to the Green Belt in light of the extant permission.
66. As such, the proposal is considered 'appropriate development within the Green Belt' in accordance with Core Strategy Policy CS37 and in respect of para 153 of the NPPF and no consideration of any special circumstances is necessary.

Flood Risk

Tidal Flooding:

67. The site sits wholly within Flood Risk Zone 3a, where the highest risk to life from flood exists. The main sources of flooding are both fluvial from the River Stour; and tidal flooding from Christchurch Estuary and Christchurch Bay.
68. The proposed café restaurant would remain classified as a 'Less Vulnerable' use, the same as existing and previous development on the site and not require the submission of a (Flood Risk) Sequential Test (ST) to determine alternative sites. This was assessed under the previous application, and as the proposal is for a replacement building of a similar size and nature the requirement for a sequential test is not triggered. Similarly, as the replacement building does not alter the vulnerability of the use an exception test is also not required.
69. In this exposed location, the main risk to life related to the Flood Risk Zone would be from a surge flood or high winds carrying stones and flotsam, preventing staff and customer escape. Sufficient exits are proposed to satisfy Building Regulations (Fire Regulations) and as the building comprises a replacement commercial café with no living or sleeping accommodation, and no first floor, no alternative means of rooftop escape are proposed or required.
70. NPPF Paragraph 181 sets various tests relevant to at flood risk development and states that "when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (FRA)". An FRA has been submitted.
71. Paragraph 181 continues: "Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that;
 - a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

72. In response to these elements.

73. a. the use comprises a 'Less Vulnerable' defined use, with no sleeping or residential functions. No elements of the use are more vulnerable than others, but lone working and premises opening should follow the advice issued by the Environment Agency weather warning service;

74. b. the FRA sets out mitigations to be incorporated into the build that would enable utilities and the fabric of the building to be protected, and the use recommence with minimal refurbishment; this has not changed since the previous application.

75. c. sufficient indicative information is currently supplied but conditions are proposed to govern this element properly;

76. d. the FRA sets out that residual risk can be safely managed; and

77. e. The Environment Agency has previously advised an escape plan but does not require it be conditioned, so an informative is proposed for attachment to the decision notice.

78. In a flooding or high lunar tide event access via Hengistbury head would be reliant upon specialist 4x4 vehicles. As lunar high tides are anticipated and because winds and surge floods in this location are only likely to occur with sufficient time to issue warnings the risk to life to staff and patrons of the café is lower than that of premises used for sleeping. Utilities, wiring and plumbing will need to follow the advice of the applicant's own FRA and incorporate high level outlets, emergency cut-offs, earthing and non-return valves.

79. Overnight sleeping is not permitted so there is unlikely to be any need for high level escape options to be designed into the building. It is recommended that a condition requires the implementation of the FRA mitigations on site and that these also require the operator to subscribe to the Environment Agency early warning Weather and Tide alert system and also consider displaying live weather warnings/flood risk on a television screen within a busy public area whenever customers are present on site or staff are working on site.

80. The Environment Agency assessed the revised submitted FRA and subject to a condition requiring the finished floor levels to be no less than 2.15m AOD and the mitigation methods set out in the FRA to be implemented. This was similar to the condition attached to the extant permission.

Floodwater Displacement:

81. The building mostly reuses the footprint of the existing building and collection of outbuildings and containers, whilst the rear service area between the storage and kitchen areas will be enclosed the area is typically used for open storage.

82. The Environment Agency have not raised a concern with regard to floodwater displacement caused by this small area of infill, and it is considered that the

enclosure of this space with permanent walls, rather than wooden gates will contain the cafes goods and items preventing them from floating away during a flood. The Environment Agency has previously advised that conditions to secure the finished floor levels and other mitigations set out in the FRA need to be attached to ensure compliance with the NPPF's requirements relative to Flood Risk.

Drainage / Waste Water:

83. Policies 3.28 and the later CS4 typically require the submission of a Sustainable Drainage System (SUDS) capable of ensuring that the level of surface water leaving the site is no greater than that prior to the development, and the quality of local water wherever possible is improved. Paragraph 182 of the NPPF makes a similar requirement.
84. The land is previously developed with an internal waste drainage system connected to the main sewer. Rainwater from roofs and surfaces drains into the sand as it previously did. The Flood Risk Assessment sets out a possible approach via condition that could be taken to resolve rainwater drainage issues - to which the Drainage Team and LLFA have raised no objections. A condition would therefore be needed on any approval to require a drainage and wastewater strategy to be submitted, approved and implemented in accordance with national and local guidance and policies. The condition will also need to ensure wastewater and toilets continue to discharge to the existing mains sewer, and rainwater into the adjacent ground. Non return valves should be fitted to all plumbing wastes in accordance with the FRA. Subject to suitable conditions to require the submission, approval and implementation of these details, the NPPF and local Policies 3.28 and CS4 would be satisfied.

Impact on character and appearance of the Mudeford Sandbank Spit Site of Nature Conservation Interest and SSSI

85. The site is located adjacent to a SSSI and within a Site of Nature Conservation Interest (SNCI); SZ19/031 Mudeford Spit, which is cited for its sand dunes and gravel with shingle foreshore. SNCIs are identified and selected for their local nature conservation value, acting as buffers, stepping-stones and ecological corridors for species between nationally and internationally designated wildlife sites. SNCIs often contain priority habitats and species listed under Section 41 of the Natural Environment & Rural Communities (NERC) Act 2006.
86. Proposals comprise built form on the sandbank, occupying space used and operated as a café/restaurant for over 60 years. No encroachment is proposed into the harbour or across the beach outside the extant footprint area.
87. The Ecology officer has assessed the proposal and consider that the ecological report submitted in support of the application includes full assessment of the impacts of the proposal and subject to conditions adequately addresses the points of concern. In line with the previous approval, a demolition construction management plan is required, to ensure that any potential negative impacts during the construction phase are avoided.
88. DWT did not provide a response however previously raised no objection to the proposals, stating it unlikely that the development will have any adverse impacts upon the SNCI, SPA, SCA or Ramsar areas. In this instance no Russian Vine (*Fallopia baldschuanica*) was recorded in the site survey and the previous survey stated it was only found outside of the site. Russian Vine is an invasive species.

In this instance it will therefore be necessary to include a precautionary condition that if any Russian Vine is found on or near the site it is removed and that measures to prevent accidental spread are included.

89. The Council's Ecology officer comments that while there is no ideal foraging habitat on site, bats do still forage around buildings and published research shows the use of the adjacent beach and dunes habitat by bats. The bird and bat boxes proposed as biodiversity enhancements are welcomed. The Officer agrees that external lighting will need to be controlled by condition to prevent position on and direction or spill towards the beach or beach huts to prevent impact on bats.
90. Subject to the conditions set out above the development will satisfy the aims of local policies CS1, CS6, CS30, CS34, CS35; CS41, the Seafront Strategy 2007, the MSMP and also comply with the NPPF by contributing to, and enhancing, the natural and local environment by minimising impacts on, and providing net gains for biodiversity.

Impact on character and appearance of the Mudeford Sandbank Management Plan Area

91. The Mudeford Sandbank Management Plan [MSMP] (April 2014 – March 2024) (produced by the former East Dorset and Christchurch joint Council), sets out various objectives pertinent to development on and around the Mudeford Spit/Sandbank. Key objectives include the need to: "...identify priority areas to defend and improve the quality of Mudeford Sandbank... (B) To maintain the peaceful and tranquil character of Mudeford Sandbank; (D) To provide and maintain basic modern amenities in an environmentally sensitive way that do not impinge upon the character of the Sandbank; (F) To balance the needs of various uses...to ensure the site is sustainably managed and enjoyable for all.
92. The previous approved application 7-2022-11229-P concluded that the proposed replacement generally accorded with the MSMP and the current proposal is not significantly different. The main changes are minor and would not materially change this assessment. The current proposal is considered to comprise an acceptable arrangement of refreshment, eating and toilet/bathroom facilities and would represent some minor improvements to the scheme granted permission in 2022 and thus also considered to satisfy the aims (D) and (F) of the plan. The floorspace dedicated to sit down covers is not increasing and the proposed rationalisation of the space is unlikely to lead to any intensification of use that substantially alter the existing tranquil character of the Sandbank, satisfying aim (B) of the management plan.
93. The geography of the location and parking/vehicular/access restrictions already discourage mass-access to the Spit. The café and services offer is not increasing beyond the approved scheme and so is still found to be acceptable. The refreshments and food offered are beneficial to visitors and Beach Hut users of the Sandbank, without being a destination draw factor in their own right. The existing noise management plan associated with the temporary permission to date controls the number of events at the site to a reasonable level and this would continue
94. To accord with the MSMP, the new toilet facilities would need to be delivered in an environmentally sensitive way to prevent chemical discharge onto the sandspit. A condition will need to address this aspect.

95. The proposal would continue to generally satisfy the aims of the MSMP and the retention of the cafe in this prime visitor location would also accord with Policy CS29 which aims to protect and retain tourism and cultural facilities.

Impact on character and appearance

96. Core Strategy Policy CS6 requires good design principles for new buildings, regard for how spaces are treated and enhancement of features that contribute to an area's character and local distinctiveness. Policy CS41 requires good design and for proposals to enhance the quality of the local environs.
97. Mudeford Sandbank sits in exceptional coastal surroundings, with an outstanding open setting for characterful beach huts in a variety of designs and colours, which make up most of the buildings in the area. The Mudeford Quay conservation area includes a small part of the sandbank on the Bournemouth side of the water. Looking on site at the spacing to the conservation area (includes the Black House) from the application site (over 260m away) and bearing in mind the low scale development proposed, the Heritage Team have previously raised no concerns in respect of potential impact on the designated Heritage asset of the Conservation Area and the scheme has not materially changed in appearance other than to remove a section of the roof to become an open air structure. This change reduces the appearance of the bulk and mass of the proposal as only the pitched roof timber sub structure will be apparent in the central area of the scheme, which is a reduction in the scheme and a betterment in this instance.
98. The proposed building seeks to fit comfortably in the surrounding context of beach huts and low scale informal arrangement. The design and overall height and built form, footprint and layout are unchanged externally from the extant permission, with the exception of the ramp and stair layout to the south elevation, along with the substitution of a glass balustrade with a timber balustrade. These changes are considered minor and do not negatively impact the appearance of the scheme.
99. The materials and appearance of the proposal are unchanged from the extant permission. The proposed materials are silvered horizontal fibre cement cladding board for the walls and corrugated fibre cement sheets with a light grey tone for the roof, with the timber roof structure now being visible in the central section of the café. The materials are considered to be of high quality and would have a positive impact to the appearance of the area. The final details of these materials will be secured by way of condition to ensure there is no discernible diminishment of quality in the development and to ensure the specified products are appropriate to the coastal environment.
100. Overall, subject to the above-mentioned conditions, the proposal is considered to be acceptable in terms of design and appearance, in relation to Core Strategy Policies CS6, CS39 and CS41 and the aims of the MSMP.

Impact on Neighbouring Beach Hut Amenity

Noise

101. The Councils environmental health officer has assessed the application in relation to noise and odour. The application submitted proposes a construction of a permanent modular single storey café building to replace the temporary

shipping container setup currently in use. This is a revised scheme from the previously approved 2022 design.

102. The proposed development does not appear to intensify the site from what already exists in terms of scale, footprint or use. The use remains unchanged, a café serving beach hut occupants and visitors, no new uses or functions have been introduced and the internal layout appears mostly the same as the extant approval with no additional operational areas shown. A noise Impact assessment has been carried out by 24 Acoustics (Reference; R11056-1 Rev:1, dated 13th May 2025) to assess the potential noise and vibration impacts associated with the proposed café development.
103. During the peak season the current operations include a small number of events with live amplified live music. The operators propose to continue hosting events with live amplified music twice a week April to September and once a week October to March (weather dependant). Inherently noise will escape through the structure of the building due to its design and construction, especially through the open roof. However, given that the site has operated with two amplified music per week for the last two years without any substantiated complaints, providing sufficient measures are implemented and followed to control noise the impact to the surrounding sensitive receptors should be minimal. A suitably worded condition should be imposed to secure a noise management plan detailing the mitigation measures proposed to control music noise from the site.
104. In addition to the measures detailed in section 6.21 of the noise report, this plan should also include the following,
 - Frequency of events with live amplified music for entertainment purposes per week (Suggested 2 per week April to September and 1 per week October to March)
 - The time of the events (We would recommend amplified music is restricted between 10.00 and 21.00hrs)
 - Duration of music entertainment (no longer than 3hrs with a 15-30 min break)
 - Details of the sound system and noise limiter (detail noise levels set) installed, including locality and direction of speakers
 - Staff training and dispersal policy
 - Documented complaints procedure
 - Notification of events – ensure the events are either advertised publicly or provided to the beach hut occupants through newsletters/notice board
 - Provide beach hut users with a contact number of a person responsible during the events should they need to raise any concerns
 - Detail how noise from customers will be controlled, especially rowdy behaviour
 - Details of monitoring carried out during events with amplified live music to ensure it is not too loud, records kept of monitoring carried out throughout events and corrective action taken if necessary.
105. It is considered that noise from customers accessing and using the café areas is unlikely to significantly vary from the current noise environment. There doesn't

appear to be an intensification of the use and therefore any increase in customers is likely to be based on the season, weather and tourism.

Odour

106. A new kitchen extract system is proposed, as shown in the cross-section plan (PL209) the flue appears to exit the top of the building vertically and discharges horizontally to the east, directly towards neighbouring beach huts. It is not known what type of extraction system is required as this will depend on the type of cooking activities carried out. It is therefore necessary to include a condition securing a scheme of works for the control and dispersal of atmospheric emissions, in particular odours and fumes from the kitchen extraction system to minimise any adverse impact on neighbouring occupiers of the beach huts.

Lighting

107. It is understood that no external flood lighting will be installed at this site.

Overlooking, Privacy& Surveillance

108. This is a sensitive site in terms of the surrounding beach hut users in terms of privacy. The proposal ensures windows are avoided on the north and east elevations to aid privacy for the beach huts and this is unchanged from the extant permission. Ground floor overlooking is however beneficial for security, not only for the beach café but for the beach huts as well. This element of the design is the same as the previously approved scheme and therefore remains acceptable.

Local Shop

109. There is a separate enforcement investigation into the partial change of use of the existing Beach Shop into a hot food take-away. The requirement to provide a community shop for people who stay in the Beach Huts is a separate requirement of the licence to operate the café. The community 'shop' function is currently hosted within the Beach Shop and sales office opposite the café despite the potential additional operation as a hot food take away. This is the subject of ongoing planning enforcement investigations.
110. The proposal is to dedicate 20sqm of space within the main building to a shop and take away collection point. This will replace the 16sqm lost to the fire, however, this amended scheme apportions some additional internal space to the shop area to service an element of take away provision. The shop and takeaway provision are to be ancillary to the main function of the development as a cafe. This is unchanged the extant permission.

Take-away Provision

111. Some objections relate to the current temporary operation at the site having too greater take-away offer, and that it results in the patrons littering nearby. The submitted proposal does not seek to offer any more take-away provision than was previously approved. The proposed development will rationalise and improve the way the site is managed, thereby reducing any impacts from the current temporary use of the site which has been more ad hoc in nature.

112. Subject to conditions to address extraction, noise management, live and amplified music and hours of opening, there would be no additional detriment to neighbouring beach hut users in terms of noise or odours beyond the impacts previously considered acceptable and the proposal would respect the amenities of neighbouring beach hut users and the needs of local biodiversity as required by policies CS30 and CS41 of the Adopted Core Strategy.

Highway Safety

113. Core Strategy Policy CS6 seeks to deliver sustainable communities. Policy CS16 sets out parking standards, as amended by the recently approved BCP Parking Standards SPD (Jan 2021). Policy CS17 encourages greener vehicle technologies and Policy CS18 advocates support for development that increases opportunities for cycling and walking.
114. Access to the site can be obtained via public ferries (during the season), land-train and cycle but is predominantly by foot. There is no motorised vehicle access for the general public, who are able to park vehicles at the Hengistbury Head Car Park. From there, pedestrian and cycle access is possible via an unadopted road (not maintained as a public highway).
115. Vehicular access is only available to Beach Hut users, wanting to visit or take goods to/from their respective huts, the café operator and Council vehicles, including refuse and delivery vehicles have access, and there is no public vehicular access.
116. Aside from deliveries, only sustainable modes of transport such as walking, cycling, horse riding, sailing, will continue to provide access to/from the Café.
117. The proposal does not increase the capacity of the café beyond the extant proposal and there has been no material change in policy in this regard, therefore this element remains acceptable. The development is therefore not considered to adversely affect the 'highway' in such an isolated location, where there is no actual public vehicular access, and as such would be in accordance with Policy CS18.

Cycle Parking:

118. Table 17 – Class E: Restaurant and Cafes of the BCP Parking Standards SPD (2021) indicates that the new café requires cycle parking at a ratio of 1.5 spaces/100m². The proposed 410m² of floorspace generates a parking demand of 7 cycle spaces. The proposal includes 8no. spaces in a safely overlooked and convenient location near the entrance. A suitably worded condition should be applied to ensure these are installed prior to first use and maintained in usable condition in perpetuity.

Car Parking

119. There are no changes proposed to the parking provision or layout of the two existing 'staff' parking spaces at the replacement café. Given that vehicle access to the site for the general public is not permitted this proposal is not considered to result in displaced parking. The existing provision of visitor parking at Hengistbury Head for walking or cycling visitors and public car parks are located at both Christchurch and Mudeford Quays for ferry users.

Servicing

120. No alterations to the approved servicing arrangements are proposed. Owing to the de minimis increase in restaurant capacity, compared with the existing operation, the servicing of this site, including waste collection arrangements, will continue as per existing and will not result in a significant increase in trip frequency, as per the approved scheme. A Refuse Management Plan and a Construction Management Plan are required via condition along with compliance conditions relating to cycle and vehicle parking.

Waste

121. A new designated waste & recycling storage area for cafe use only has been relocated to the rear of the community coffee shop replacing a BCP shed. The waste storage element of the proposal is unchanged from the extant permission and subject to the submission, approval and instatement of the aforementioned Waste Management Plan prior to first occupation, this aspect is considered acceptable.
122. Subject to the conditions to secure delivery of cycle parking and a waste management plan, the proposal would satisfy the highway user safety and sustainable development aims of Core Strategy Policies CS6, CS16, CS18 and the aims of the BCP Parking Standards SPD (Jan 2021).

Climate Change Mitigation

123. BCP and the Government have declared a climate emergency. Policy CS2 seeks to secure the use of green technology in new developments. In response to this:
124. 8no, cycle parking spaces are proposed in a well overlooked location with easy access for users. Conditions can secure delivery.
125. A 42sqm and 11sqm expanse of roof to the rear of the building is proposed to be fitted with a green/living roof with pebble edging to prevent wind uplift. This will assist in slowing the run off from the rear part of the building's roof. Details can be conditioned to secure appearance and delivery.
126. Upon the ridged roofs, 16no. solar PV panels are proposed on the southern faces to generate electricity and reduce reliance upon the national grid. Details can be conditioned to secure appearance and delivery; and
127. The applicant has indicated their intention to transition their deliveries over to an electric vehicle at a future date in the short term. This is not an element that can be conditioned but this approach is welcomed.
128. The reuse of the shipping containers within the structure of the proposal is positive.
129. The above matters will assist the development in offsetting the impacts of its carbon footprint. No sustainability details are given in respect of construction materials so an informative is suggested. As the proposal comprises a non-residential development, no payments towards Heathland Protection or New Forest SAMMs are required for this development.

Landscaping

130. The proposed green roof is positive and should be conditioned to secure delivery and implementation. The proposed site plan and the Design and Access Statement shows some potential landscaping at the front and rear of the building and the floor plan describes

“Perimeter dune grasses to promote stability”. A perimeter of marram grass would have several benefits including softening the edge of the building, but the planting shown would all sit outside of the red line of the site and would require Grampian style planning conditions, this is to be included in the Biodiversity Enhancement condition as previously approved.

131. Subject to a condition to secure the green roof and appropriate planting the proposal would satisfy Policy 4.25 of the Bournemouth District Wide Local Plan and Policy CS41 of the Core Strategy.

Contamination

132. The previous application included a condition for a watching brief for land contamination, and while the Council are not aware of any contamination on the site it would be reasonable to include this condition again.

Biodiversity Net Gain

133. 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.”
134. 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. Local Plan at Policy CS30 promotes enriching biodiversity.
135. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ensures that approved permissions 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
136. A Biodiversity Metric and Biodiversity Net Gain Assessment has been submitted with the application. The metric demonstrates that 10% BNG will occur, but that the trading rules cannot be satisfied due the loss of littoral sand which cannot be replaced on site. Littoral sand is a medium distinctiveness habitat, and credits or units will need to be purchased to satisfy the trading rules. There will be a shortfall of 0.01 Habitat Units and this will need to be purchased to satisfy the trading rules.
137. As no further gain that can be counted towards the 10% can be provided within the site of as set out in the Natural England BNG Guidance, it is considered that in this case the design and layout of the proposal has retained as many habitats, particularly those of moderate distinctiveness, as is possible and as such, though the 10% BNG cannot be achieved, it is accepted and the remainder of the 10% target can be achieved when the statutory condition is discharged prior to commencement, by way of purchasing other biodiversity units, or if this is not possible, biodiversity credits.
138. Therefore, proposal can be made acceptable and in accordance with the relevant legislation and Policy CS30 in the Local Plan by way of a mixture of retention and enhancement and purchasing units or credits.

Summary

139. As set out above it is considered that the proposal;
140. is similar to the extant permission and is acceptable in its siting, scale, height, and general massing. There would be no discernible impact upon the openness of the Green Belt or the setting and character of the Mudford Sandbank area;
141. has been designed to address flood risk and will not add to flooding issues in the area;
142. retains an attractive external design, including its ridged roofs and indicative materials that would successfully and sympathetically relate to the setting and character of the adjacent beach huts;
143. retains an appropriate recreational and leisure use, in accordance with policy and the objectives of the Mudford Spit Management Plan;
144. will be sufficiently controlled by conditions in respect of odour, noise, music and opening hours,
145. has a practical internal layout, better circulation space and well positioned windows, doors and decked areas, to enable a quicker turnaround for passing trade, with less opportunity for queue flow conflicts,
146. provides a newer electrical substation;
147. provides ecological gain with additional bird boxes, green roof and native planting for example and as such will not be detrimental to the designated EU sites, SSSI, Nature Reserve, or SNCI;
148. is acceptable in highway terms, with members of the Public only being able to access Mudford Spit by walking, cycling, horse riding or boat/ferry
149. satisfactorily addresses sustainability aims through the inclusion of a green roof and installation of solar panels to partly power the building; and
150. is capable of satisfying the Biodiversity Net Gain requirements subject to satisfactory receipt of a Biodiversity Gain Plan.

Planning Balance/Conclusion

151. This proposed development will create a modern replacement facility that is fit-for-purpose to the needs of the local and visitor community. It will be an accessible café with ancillary shop and takeaway service. It will use sustainable building techniques; incorporating suitable flood resilience, noise control measures and biodiversity enhancements.
152. The visual benefits would continue to be positive, by redeveloping the site and tidily encompassing the development within an attractive built form that would be far more in keeping with the sensitive local environment.
153. The proposal continues to offer improved facilities to customers and staff and subject to the applied conditions improved amenity to controls for local beach hut users.
154. Having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan; would not materially harm the openness of the Green Belt, SSSI, or the

Site of Nature Conservation Interest; and would be acceptable in terms of traffic safety, design and appearance, amenity impact and biodiversity enhancement and net gain.

Recommendation

Grant with the following conditions:

Conditions/Reasons:

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 and documents:

PL201, PL202, PL203, PL204, PL205 rev B, PL206 rev C, PL207 rev B, PL208 rev B, PL209 rev B, PL210, PL211, PL212, PL213, PL214, PL215, PL216, PL217, Mudeford Spit PEA 15.05.25, STM - FRA & Drainage, Mudeford Spit Cafe - Noise Impact Assessment by 24 Acoustic 13.05.2025, Mudeford Spit BNG by Pro Vision 14.05.25

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 (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall provide for:
24 hour emergency contact number;
Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
Locations for loading/unloading and storage of plant, waste and construction materials;
Measures to protect vulnerable road users (cyclists and pedestrians)
Any necessary temporary traffic management measures;
Arrangements for turning vehicles;
Arrangements to receive abnormal loads or unusually large vehicles;
Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses;
Dust suppression measures;
Control measures to prevent chemical/fuel and other liquid contaminant run-off from construction into nearby waters;
A noise / vibration assessment (see note 1);
A Construction Method Statement (CMS) detailing precautionary measures and working methods to ensure that any potential negative impacts on the designated Mudeford Spit SNCI, Christchurch Harbour SSSI and Solent and Dorset Coast SPA during the construction phase are avoided (see note 2); and
Arrangements for disposal of other waste during construction.
Note 1: The noise and vibration assessment should be based on British Standard 5225 – Part 1 and 2: 2009. The report shall provide details in relation to;
a) the existing background noise climate in and around the surrounding area;
b) the resultant noise levels from the proposed demolition and construction works;
c) any proposed mitigation measures to minimise the impact;

d) an indication of noisy works likely to be audible beyond the site boundary.

Note 2: The Construction Method Statement in respect of wildlife and habitat protection (on the designated Mudeford Spit SNCI, Christchurch Harbour SSSI and Solent and Dorset Coast SPA) shall include details of vehicular access, working footprint, storage of materials and hazardous substances, control of dust and liquid run-off and noise and lighting control measures to avoid temporary impacts on wildlife and the during construction.

All components of the approved Demolition & Construction Management Plan shall be implemented and adhered to in full throughout the demolition and construction period.

Reason: These details are required in advance of demolition and commencement in order to safeguard the daytime amenity of occupiers of adjoining and nearby beach huts and in the interest of pedestrian and highway safety, and with regard for biodiversity in accordance with Policies CS14, CS30 CS38 and CS41 of the Bournemouth Core Strategy (2012).

4. No part of the development hereby permitted shall be occupied until surface water drainage works incorporating the disposal of such surface water by way of a sustainable drainage system have been fully provided in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, such details to include:
- (a) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
 - (b) a management and maintenance plan for the lifetime of the development which shall include details of any arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and
 - (c) a timetable for implementation.

The surface water drainage works shall thereafter at all times be management and maintained in accordance with the approved details. The drainage works shall be completed in accordance with approved details in accordance the agreed timetable (c).

Reason: These details are required in advance of commencement in order to provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Core Strategy (2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

5. No part of the development hereby permitted shall be occupied until details of how foul water is to be disposed of from site have been fully provided in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, such details to include:
- a) confirmation that foul water and toilets will discharge into the mains sewer system;
 - b) drawings locating the sewer, showing site sections and fall ratio and the manner of connection from the site, with details of any non-return valves and flood prevention systems to be utilised;
 - c) a copy of advice received from Wessex Water (or any statutory Water/Sewerage Undertaker replacing them)
 - d) confirmation that an Environment Agency discharge permit is required or that the installation meets the exemption;
- The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

Reason: In order to protect the environmental amenities of the immediate locality and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS38 and CS41 of the Bournemouth Core Strategy (2012).

6. Prior to the first use hereby permitted, a Noise Management Plan (NMP) specifically addressing entertainment and people generated noise shall be submitted to and approved in writing by the Local Planning Authority. The NMP shall be reviewed and updated to periodically, particularly in response to complaints or changes in operations. In addition to the measures detailed in section 6.21 of the noise report, this plan should also include the following (not an exhaustive list);
- Frequency of events with live amplified music for entertainment purposes per week (Suggested 2 per week April to September and 1 per week October to March)
 - The time of the events (We would recommend amplified music is restricted between 10.00 and 21.00hrs)
 - Duration of music entertainment (no longer than 3hrs with a 15-30 min break)
 - Details of the sound system and noise limiter (detail noise levels set) installed, including locality and direction of speakers
 - Staff training and dispersal policy
 - Documented complaints procedure
 - Notification of events – ensure the events are either advertised publicly or provided to the beach hut occupants through newsletters/notice board
 - Provide beach hut users with a contact number of a person responsible during the events should they need to raise any concerns
 - Detail how noise from customers will be controlled, especially rowdy behaviour
 - Details of monitoring carried out during events with amplified live music to ensure it is not too loud, records kept of monitoring carried out throughout events and corrective action taken if necessary
- The approved Noise Management Plan shall be implemented in full prior to the commencement of the use and shall be adhered to at all times thereafter.

Reason: These details are required in advance of commencement in order that noise levels can be controlled to safeguard the amenities of nearby beach hut users, to protect the environmental amenities of the immediate locality and in accordance with Policies CS38 and CS41 of the Bournemouth Core Strategy (2012).

7. The development shall be carried out in accordance with the submitted flood risk assessment (written by STM environmental, dated 12/09/2025) and the following mitigation measures it details:
- The finished floor level of the proposed replacement cafe shall be set no lower than 2.15 metres above Ordnance Datum (AOD)
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

8. The development shall be carried out in accordance with the submitted flood risk assessment (dated 15/05/2025, Ref: SWDS - 2025 - 00007 version 1.0) and the mitigation measures it details. The mitigation measures detailed within it shall be fully implemented prior to first use of any part of the cafe hereby approved and be retained and maintained in full working order thereafter throughout the lifetime of the development.

Reason: In order to protect the environmental amenities of the immediate locality and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies CS38 and CS41 of the Bournemouth Core Strategy (2012).

10. Prior to the erection of any above ground superstructure, details of the proposed finish exterior materials to be applied to glazing, walls, roof areas, decked and other external flooring including any colour finish and texture shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved materials.

The details shall include information that does not conflict with the details required by conditions governing the delivery of the green roof and PV panels.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS41 of the Bournemouth Core Strategy (2012)

11. Notwithstanding any details contained in any documents submitted in connection with the development hereby permitted, prior to the construction of any part of the development hereby permitted above base course level there shall be submitted to and approved in writing by the local planning authority details as to the number, design and, type of the proposed photo-voltaic solar panels to be provided as part of the development hereby permitted. Prior to the first use of any part of the development hereby permitted, the photo-voltaic solar panels shall be fully provided in accordance with the approved details and shall at all times thereafter be retained and maintained in working order.

Reason: To ensure a satisfactory visual relationship with the new and surrounding development in accordance with Policy CS41 of the Bournemouth Core Strategy (2012).

12. Within 4 months of the date of commencement of the development:
a) Scaled drawn plans of the bin store approved in the location indicated on plan nos. 201004/PL01 Rev A and 201004/PL05 Rev A shall be submitted in writing to the LPA for approval. (details shall include proposed elevations, plans, layouts, door and roof details, finish materials, security arrangements and lighting);

And,

Prior to the first use of any part of the development hereby permitted, the following information shall be submitted in writing to the Local Planning Authority for approval:

b) Servicing Management Plan, incorporating a Commercial Waste Management Plan (CWMP). The CWMP shall include details of an agreed commercial waste agreement to collect the types refuse generated by the business activity, together with details of frequency, likely vehicle and general arrangements in respect of the management of bins to ensure they will not be stored in the open or at the collection point apart from on the day of collection as augmented when part (a) of this condition is approved.

No installation or instatement of the details shall be undertaken until approval is given for them, in writing, by the Local Planning Authority. Once approved, the details shall be implemented on site when the commercial use hereby permitted recommences.

The approved details within sections (a) and (b) shall remain operative and the bin stores accessible to staff at all times while the building is in use.

Reason: To ensure that the business meets its duty under Environmental Protection Act 1990 (section34) to have suitable commercial waste agreement in place; to ensure the safe servicing and collection of waste so as not to impact negatively on local highway capacity or safety and in the interests of visual amenity, with regard for Policy CS41 of the Bournemouth Core Strategy (2012).

13. No development shall commence on site until a scheme of works for the control and dispersal of atmospheric emissions, and in particular odours and fumes from the kitchen extraction system has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter. In discharging this condition we recommend the applicant ensures that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves. We would also recommend the applicant consults EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems" (Gibson, 2018)

Reason: In order to safeguard the amenity of adjoining properties and to protect the environmental amenities of the immediate locality and in accordance with Policies CS38 and CS41 of the Bournemouth Core Strategy (2012).

14. No part of the development hereby permitted shall be open to the public on any day of the week outside the hours of 08:00 to 23:00. When open to the public the retractable roof canopy (over the seating area at front (west)) of the building hereby approved, shall not be open until 10.00 hours daily.

Reason: To safeguard the amenities of occupants of the adjacent beach huts and in the absence of viable public transport or lit walking options, to limit the noise and safety impacts of associated with the late night departure of staff and patrons of the commercial use from the Sandbank, and in accordance with Policies CS38 and CS41 of the Bournemouth Core Strategy (2012).

15. The premises hereby permitted shall be used for purposes comprising a café/restaurant, within Class E(b) to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) only and for no other purpose including solely as a café/restaurant (Use Class E(b)). The takeaway function of the premises shall remain ancillary to the main eating area and not become the predominant use without the further specific grant of planning permission for any such change of use.

Reason: To ensure that the building continues to be used for community purposes in accordance with Policy CS12 of the Bournemouth Core Strategy (2012).

16. Prior to the first use of any part of the development hereby permitted;
- a) the cycle parking stands shall be constructed, laid out and demarcated in accordance with the details on approved drawing no PL205 Rev B, utilising coated or stainless steel cycle stands (or a similar theft-proof corrosion-proof material) to limit the effect of sea air corrosion; and
 - b) the vehicle parking spaces for deliveries and turning areas shall be constructed, laid out and demarcated in accordance with the hereby approved plans;
- Thereafter, these provisions (a) and (b) shall be retained and made available for these purposes.

Reason: To ensure the proper construction of the parking facilities, in the interests of highways safety, and to encourage the use of sustainable transport modes in accordance with Policies CS14, CS16, CS17 of the Bournemouth Core Strategy (2012) and the BCP Parking Standards SPD (2021).

17. Prior to the first use of any part of the development hereby permitted, the biodiversity Biodiversity recommendations set out within section 5 the Mudeford Spit Preliminary Ecological Appraisal (8817 version 01, by Pro Vision, dated May 2025) (henceforth referred to as 'the approved Ecology Report') shall be implemented in full on site and maintained as such. The enhancements must be installed no later than the end of the first planting season following substantial completion of the development hereby permitted or the first use of any part of it, whichever is the sooner. Any plant found damaged, removed, dead or dying in the first 5 years following its planting shall be replaced with one of the same species and similar size or such other species and size as has otherwise been submitted to and approved in writing by the local planning authority.
- a) Additional details of the location of bat brick/boxes, planting and technical details of the the living/green roof, and details of the perimeter sandbank grasses are to be submitted to the LPA for agreement in writing.
 - b) A confirmatory submission in writing to the LPA must evidence that an ecological consultant has visited the application site shown on approved drawings, in person; with written and photographic confirmation that the approved enhancements have been installed in full on this site.

Reason: compliance with National Planning Policy Framework (2024) 187 "Planning policies and decisions should contribute to and enhance the natural and local environment: by minimising impacts on and providing net gains for biodiversity" and policy CS30 "enriches biodiversity and wildlife habitat"

18. Lighting must be compliant with section 5.7 Mudeford Spit Preliminary Ecological Appraisal' by Pro Vision, that is complies with ILP (2023) Guidance note 8/23 Bats and Artificial Lighting at Night.

Reason: compliance with National Planning Policy Framework (2024) paragraph 8 "to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution" and NPPF paragraph 187 "Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and "d) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution"

19. In the event that any contamination that has not previously been reported to the local planning authority as part of the planning application to which this permission relates is found during the implementation of the development hereby permitted then this shall be reported without any unreasonable delay (and in any event within 2 working days) to the local planning authority and work on any part of the application site that might be affected shall be suspended immediately and shall not recommence save to the extent as is necessary for the purposes of compliance with this condition until a risk assessment has been carried out, submitted to and approved in writing by the local planning authority and either:
- (a) the local planning authority has confirmed in writing that work can recommence without any further action; or
 - (b) (i) detailed remediation scheme(s) in relating to that identified contamination which include:
 - (A) an appraisal of remediation options;
 - (B) identification of the preferred option(s);
 - (C) the proposed remediation objectives and remediation criteria;
 - (D) a description and programme of the works to be undertaken; and

(E) a verification plan which sets out the measures that will be undertaken to confirm that the approved remediation scheme has achieved its objectives and remediation criteria; have been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved scheme(s);

(ii) verification report(s) which identify the results of the verification plan and confirms whether all the contamination objectives and remediation criteria set out in the relevant approved remediation scheme(s) have been met have been submitted to and approved in writing by the local planning authority; and

(iii) there has been submitted to and approved in writing by the local planning authority a verification report which confirms that all the objectives and remediation criteria of the approved remediation scheme to which it relates have been met.

The assessments, schemes, plans and reports required for the purposes of this condition shall only be undertaken by a person whose qualifications and experience have been previously submitted to and approved in writing by the local planning authority provided that the local planning authority will not withhold consent of any person unless it is considered that the person is not suitably qualified or experienced for the carrying out of such activities.

Reason: To ensure that the development is carried out safely in the public interest and in accordance with best practice and with Policy 3.20 of the Bournemouth District Wide Local Plan (2002).

20. If Russian Vine (*Fallopia baldschuanica*) is found at any point leading up to or during the construction phase a Method Statement detailing the removal of Russian Vine species on the application site must be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall provide details of the intended method of identification; removal process; onward processing from the site; and an on-going process for monitoring its resurgence on site, and a timetable for undertaking the different details.

Reason: To ensure the development enhances the natural and local environment by providing net gains for biodiversity in accordance with Policy CS30 of the Bournemouth Core Strategy (2012).

Informatives:

1. In accordance with paragraph 39 of the revised NPPF the Council, as Local Planning Authority, takes a positive, creative and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance:

The application was acceptable with a few minor amendments and additional information which was communicated to the applicant/agent.

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

condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this application is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed are considered to apply

3. INFORMATIVE NOTE: To ensure the design excellence translates from approved plans to finished building, visually compatible exterior finish materials should be high quality, long lasting and robust in this seaside location.
4. INFORMATIVE NOTE: The applicant/operator of the café should work with the Council (being the landlord) to secure an agreed approach to planting out the sandbank grasses in accordance with the requirements of condition 17a.
5. INFORMATIVE NOTE: If bats are found during demolition, all work shall cease and if possible, part of structure that was removed and exposed bats put back into place. A bat ecologist shall be employed to address situation and Natural England and the LPA contacted.
6. INFORMATIVE NOTE: The site is within the extreme still water tidal floodplain of Christchurch Harbour and Christchurch Bay and would also be subject to wave impact from Christchurch Bay. The present day 1 in 200 year predicted still water flood level for this area is 2.01mAOD, and with the impact of climate change over a 75-100 year lifetime, this level would increase to 2.73mAOD-3.02mAOD respectively (using the most recent Higher Central climate change allowances set out within gov.uk).
You are advised to consider your responsibility with regards safe access/egress and emergency evacuation. If the design flood event were to occur, safe access and egress would be prevented, and significant flooding would occur within the café and surrounding area. The FRA sets out possible flood depths within the café area.
Bearing in mind this is an existing café business, a replacement café would not necessarily increase the existing risk at the site. It is however for you to decide whether, in the absence of safe access and egress, the risk to the users of the development can be mitigated by alternative means i.e. a flood warning and evacuation plan as there appears to be no safe refuge. In coming to a decision on the proposed development, you should therefore give careful consideration, in consultation with relevant specialists, to the mitigation measures proposed.
Specifically, consideration should be given to whether or not a flood response plan would enable users of the development to avoid the flood hazards identified.
The Environment Agency does not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users.
7. INFORMATIVE NOTE: In addition to the operator or cafe manager subscribing to the Environment Agency early warning alert system in accordance with condition 7 it is also suggested that consideration be given to displaying live weather warnings heat/wind/flood risk on a display screen within a busy public area of the café whenever staff or customers are present on site. Risk Assessments should probably be undertaken in the event of lone working by staff outside normal opening hours with regards to flood risk but this related to HSE legislation, not administered by the Council.

8. **INFORMATIVE NOTE:** The grant of planning permission does not remove the separate legal requirements for the safe removal and disposal of asbestos during demolition which are subject to separate Environmental Health legislation and related controls outside the planning system.

Background Documents:

P/25/01461/FUL

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.