

# Planning Committee

Application Address	The Beach House Cafe Mudeford Sandbank Bournemouth BH6 4EN
Proposal	Change of Use from open space to Class E(b) and the siting of 8 picnic benches in connection with the adjacent Beach House Café.
Application Number	P/25/03404/FUL
Applicant	Mr K Slater
Agent	Mrs Clare Spiller Chapman Lily Planning Ltd
Ward and Ward Member(s)	East Southbourne & Tuckton Cllr Bernadette Nanovo Cllr Judy Richardson
Report Status	Public
Meeting Date	22 January 2026
Summary of Recommendation	<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	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

- Planning permission is sought to change the use of an area of open space on the western waterfront side of The Beach House Café, to use Class E(b) which is café restaurant use, and the siting of 8 picnic benches.

2. The benches would be open for use by all members of the public and are not enclosed or cordoned off in any way. The existing benches have small plaques which state they are available for public use.

### **Description of Site and Surroundings**

3. The application site is located on Mudeford Sandbank, it is adjacent to The Beach House on the western side located on the opposite side of the access path. The area is around 70sqm in an elongated rectangle shape, which is approximately the same width as the café.
4. To the immediate north and south of the site is continued beach and waterfront.
5. There are beach huts to the east on the northern and southern sides, extending the full length of the Spit, to Hengistbury Head to the south and Mudeford Quay to the north.
6. To the west of the site sits the jetty served by the local ferry, accessed across the unsurfaced access path 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.
7. The site falls within flood zone 3a.

### **Relevant Planning History:**

8. 7-2004-11229-J: Alterations, extensions, erection of extractor flue and decking area (Existing unauthorised). Approved Oct 2004.
9. 7-2018-11229-L: Alterations and extension to external decking area. Withdrawn Mar 2018.
10. 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.
11. 7-2020-11229-M: Erection of Café with associated storeroom, etc – Withdrawn due to objections to the design - Dec 2020.
12. 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
13. 7-2021-11229-O: Erection of Cafe with associated storage including bin store - regulation 3 – Approved 05.10.2021
14. 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.
15. P/25/01460/ADV - Signage on The Spit at Mudeford – Approved
16. P/25/01461/FUL - Replacement Cafe building (permanent) - Approved
17. P/25/04071/COND - Variation of conditions 1 and 2 of Planning Application 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) to change period of continued use and conditions of the removal – concurrent application
18. P/25/04982/COND - Variation of condition No.6 (Noise (amplified music)) of planning permission 7-2021-11229-P (Original description of development - Erection of a single

storey building for use as a cafe, involving demolition of existing open-air cafe ) to reward the condition to a Noise Management Plan is required prior to first use hereby permitted – concurrent application

## **Constraints**

19. The following constraints have been identified.

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

### 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**

20. 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**

21. 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.

22. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other

- substances in its area; and (c) re-offending in its area. In this case the site will be subject to normal licencing conditions which would help to control and anti-social behaviour.
23. 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.
  24. 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;
  25. 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;
  26. 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**

27. The following parties were consulted on the proposals. Detailed commentaries are given in relevant sections of this report. Summaries are given here;
28. Flood & Coastal Erosion Risk Team: No objections.
29. Highway Officer: No objections.
30. Waste and Recycling: No comment
31. Dorset Wildlife Trust: No comment
32. Environment Agency: No Objection
33. Lead Local Flood Authority: No objection, the picnic benches would be installed at owner's risk and could be damaged in the event of a flood.
34. Natural England: Holding objection removed as the change of use does not encroach on SSSI and the placement of benches on the site does not constitute development.

## **Representations**

35. Site notices were posted in the vicinity of the application site with and expiry date for consultation of 09/10/2025.
36. 675 public comments were received, of which at least 10 are within the 1-mile radius of the site. 41 objected to the proposal and 616 supported the proposal. A letter of objection was also received from a solicitor on behalf of the Mudeford Sandbank Beach Hut Association.

37. While some comments were submitted labelled as 'support', 'comment' or objection, this did not tally with the contents of the comment and so each comment is recorded according to the content rather than the label.
38. A summary of the objections are as follows,
- The footprint of the Beach House Café should stay within the original footprint.
  - The outside Benches detract from the shoreline and should be removed.
  - There is no enhancement of the environment within the application.
  - The land is Green Belt, and there is no public benefit or very special circumstance to justify the grant of planning permission
  - As a hut owner it is disappointing to see the beach with such ecological importance becoming just another tourist attraction.
  - The café takes over a large area
  - Litter is a problem
  - There is no need for benches
  - As hut owners we pay huge fees and should have more say over what is proposed for Hengistbury Head.
  - The applicant is breaking so many rules already, that do not enhance the area and are making it more commercial.
  - Proliferation of "takeaway" litter and waste generation are incompatible with the long standing environmental status of the site
  - This should be refused until all the other uses are regularised.
  - Negative cumulative impact on this sensitive site environmentally, amenity and landscape.
  - Expanding the footprint for a commercial enterprise is not in accordance with planning policy, considering this within an SSSI Impact Zone.
39. The Environment Agency share the objectors' concerns.
- The expansion of the takeaway has increased the consumption of alcohol, and related rubbish, noise and anti-social behaviour on the sandspit.
  - Too much pressure is on the outdated toilet facilities.
  - The application should be scrutinised, and BCP Integrity is challenged.
  - This is in breach of the Mudeford Sandbank Management Plan
40. The additional capacity impacts to neighbouring beach hut owners' amenity
41. A summary of the supporting comments are as follows,
- The benches provide a lovely spot for to stop on the sandspit to eat drink.
  - This is a public beach and the benches enhance that as an asset.
  - The benches are needed, it is not wanted to just sit on stones.
  - The benches are useable even when not using the Café.

- It is just a select few who do not want the benches, while there are a lot of members of the public who use them.
  - The benches are needed by the less able bodied, such as elderly, and children to sit and rest after a long walk.
  - The beach hut owners have picnic benches outside their huts, that are not specifically permitted. The picnic benches for the public should be allowed as well.
  - The public are more likely to sit on hut owned steps/picnic benches if these are removed.
42. *Officers Response* – In terms of the scrutiny of this application, and the integrity of the Council, the application has followed the full statutory procedural requirements and has been consulted on to all relevant internal and external parties. All comments received are included in the assessment. The overall application is assessed at officer level, reviewed at management level, and is also to be heard and finally decided by the Planning Committee. Therefore, it is confirmed that the application has been duly scrutinised.
43. The impacts of noise and amenity are assessed in the main body of the report, and consider the current temporary use and future implementation of the P/25/01461/FUL or 7-2022-11229-P.
44. The benches themselves are not a permanent structure and therefore do not fit the description of development as set out under section 55 of the Town and Country Planning Act 1990. Therefore the impact on the Green Belt is nil.
45. The boundary of the SSSI is outside the redline plan of the and the EA have registered no objection to the application.

## **Key Issues**

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

- Principle of development
- Impact on the Green Belt
- Impact on character and appearance of the area;
- Impact on amenity;
- Impact on the coastal engineering and flood risk
- Biodiversity
- Highways and Transport

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

## **Policy context**

48. 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) and the saved policies of the District Wide Local Plan (2002).

### **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 and updated in 2024. 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

#### Principle of development

49. Paragraph 153 of the NPPF states, when 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. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
50. Core Strategy Policy CS37 states that the South East Dorset Green Belt will continue to be designated in the Borough. Within the Green Belt, inappropriate development, including uses of land, will not be permitted. Inappropriate development will include any development which does not maintain the openness of the land or which conflicts with the purposes of including land within the Green Belt.

51. Importantly as a starting point, the benches themselves cannot be considered as development or a 'building' as they do not meet the criteria for identifying a building in planning terms. The defining points of a building have been established through case law and are generally understood to be,
- size (with a building usually something that is constructed on site, rather than being brought on site already made);
  - permanence; and
  - physical attachment to the ground.
52. The benches are already located on the site. They are not permanently fixed to the ground and can be moved so are not permanent. They are heavy and sit on or slightly embedded into the stones which generally means they are secure but can be lifted and removed relatively easily. Therefore, they do not meet any of the requirements of the definition of a building. This means that there is no impact to the openness of the Green Belt.
53. The benches cannot be considered as development of a building, the remaining assessment of impact to the Green Belt is the appropriateness of the change of use of the land to an ancillary café use that also retains a recreational public open space function.
54. Paragraph 154 of the NPPF states, development in the Green Belt is inappropriate unless one of the following exceptions applies: (a, c, d, e, f and g are not relevant)
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
    - v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);
55. The benches are open for public use at any time; are not cordoned off in any way and do not have any signage or demarcation that indicates they are only for the use of the café. More recently small brass plaques have been attached to the benches stating they are open for use by the public at any time. Therefore, for part of their use, the benches will be classified as facilities for outdoor recreation in this public seafront location, that is used at predominantly a leisure and recreation location. As described above, this is an exception to the general restriction on development or change of use in the Green Belt.
56. In terms of the use associated with the Café, the Beach House Café which is situated approximately 6.7m to the east of the existing position of the picnic benches has established lawful use as a café with ancillary shop and takeaway use with the historic use, temporary consent, and the extant permissions 7-2021-11229-P and P/25/01461/FUL for a new building. In general terms the use is considered to be appropriate in this location.
57. The Beach House Café has been granted an ancillary takeaway use as part of the temporary consent and the two more recent permanent permissions. Therefore, it needs to be considered that there will be people leaving the café site with takeaway food and beverages, and this is already permitted. Once these customers leave the premises of the café they would become general public visitors again and could choose to make use of the benches. The benches provide a place for visitors either using the café facility or generally visiting the sandpit to potentially sit and consume either their own food and drinks, or the takeaway goods.

58. Policy CS31 (Recreation, Play and Sports) states that planning permission will be refused for development that results in the loss of public and private open space. This is a key policy for the protection of public open space. However, it is considered that the proposal would not result in the loss of open space, as the space is still open and accessible by the public at any time, but will also be used by takeaway café users.
59. Picnic benches are often a type of facility owned and operated by Local Authorities, however increasingly, due to changes in local and central government operations and funding this type of facility could be owned and operated by private operators.
60. For this type of facility to be operated and maintained in a way that is appropriate to this location it is necessary to apply conditions to ensure that they continue to be used in the way that is intended in this planning application.
61. It is imperative to ensure that the picnic tables are only used by both general visitors to the sandspit, and takeaway customers, and that the benches are not included within the sit down service of the functional café operation. This would mean that there could be no table service to the tables where orders are taken at the tables and food ferried out the customers by the café staff. This will assist in ensuring the tables are kept to a public use than any proper commercial café use.
62. It will also however be imperative that the area is kept clean and tidy. This means that a provision of bins next to the tables for convenient disposal of takeaway containers should be available to the public. The café operators would be responsible for the cleaning of the tables and area around the tables if any users, whether public or takeaway user do not properly use the bins. This should be done multiple times per day, and the schedule will need to respond to the level of use ie, high use in summer with more regular cleaning.
63. It can be noted that the temporary permission also being considered at the committee meeting also includes a meaningful cleaning schedule that takes in an 80m radius of the site. This issue was discussed in the assessment at planning committee, under reference P/25/01461/FUL.
64. The portion of the use that will be attributed to café users can be balanced against the benefits of having a provision of seating that the public can enjoy and that increase accessibility to this part of the spit, which is a key function of this area of public open space within the Green Belt.
65. Overall, in relation to the assessment of the impact to the Green Belt, it can be concluded there is no impact to openness, due to the picnic benches not being defined as a permanent building or development. The partial change of use of the land to seating for use by the take-away customers, while still retaining the recreational public open space use can be considered acceptable, with appropriate conditions applied to ensure the picnic tables and area surrounding them are maintained properly, and are always kept open to the general public for recreational use.

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

66. 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.

67. 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.
68. In relation to concerns about commercial creep and intensification, the benches have been in place for around 5 years. They do have the potential to increase the number of people stopping in the immediate environment of the site but overall would not be a specific draw or attraction to the location that on their own would increase the numbers of customers or general people visiting the Sandbank. This means it would not result in a harmful over intensification of the use and would not be harmful to the character of the sandbank area.
69. While the picnic benches are not considered development or a building, they do still impact the appearance of the local area.
70. The benches are constructed of timber, and the seats and table tops are painted. These materials are entirely appropriate in terms of appearance to this location and fit well amongst the other seaside buildings and painted timber beach huts that surround.
71. Timber however is a material that deteriorates over time and therefore it is necessary to impose a condition that the tables are maintained in terms of appearance and physical condition.
72. Subject to the above-mentioned condition the proposal would generally satisfy the aims of the MSMP in terms of character and appearance 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 amenity of neighbouring residential beach huts.

73. The picnic tables are not to be included within the general operation of the café and are to be open to the public, therefore it is not appropriate to include a condition controlling the hours of operation. There will be no table service bringing food or beverages to the picnic tables. This would also mean that any staffing of the cleaning of the picnic tables would not continue outside of the approved opening hours of the Café, but this is not dissimilar to any other public seating.
74. The extant permissions for the main café use have included assessments for the inclusion of amplified music. The picnic table area would not support any amplified music events for the café and therefore this restriction should be included as a condition on this application for absolute clarity.
75. There would be no cooking or other commercial operation from the picnic table area, and so there is no further assessment of this required.
76. Waste and Servicing has been discussed as above, and as such a suitable condition will be included for the addition of bins and a cleaning schedule.
77. Noise has been stated as an issue in the applications for the temporary and permanent applications at the Café site. As such a Noise Management Plan has been required by way of condition on those applications. The noise management plan for the temporary permission if approved must be approved and operational prior to 1<sup>st</sup> April 2026.
78. As this application does not include the café itself, it is not reasonable to include a further Noise Management Plan condition. It will be necessary to include a condition that there will be no entertainment or amplified music provided from within this site to ensure that no new noise issues are created in the future.
79. The Council's Environmental Health team confirmed no objection to this application.

80. Subject to the above-mentioned conditions, the application can be considered acceptable in accordance with planning policies CS38 and CS41 of the Bournemouth Core Strategy.

#### Impact on Conservation and the Mudeford Sandbank Spit SNCI and SSSI

81. The site is located next to a designated Site of Special Scientific Interest (SSSI) and Site of Nature Conservation Interest (SCNI). As discussed in the previous section, the proposal does not include any buildings as defined in planning terms, but the management of the picnic tables would be overseen by the operators of the Beach House Cafe.
82. The Environment Agency has been consulted on this application and concluded that given there is no encroachment over the boundary of the SSSI there was no objection to the proposals.
83. To ensure that refuse and recycling generated around the benches is managed properly by a condition requiring bins to be located by the benches, and a cleaning schedule of the area.
84. Subject to the above mentioned condition the partial change of use of the land for ancillary café use will not have an unacceptable impact upon the wider the Mudeford Spit SNCI, Christchurch Harbour SSSI and Solent and Dorset Coast SPA designations. Subject to the conditions set out above, the retention of the development for a further two satisfies the aims of local policies CS1, CS6, CS30, CS34, CS35; CS41, the Seafront Strategy 2007, the MSMP and also complies with the NPPF.

#### Biodiversity

85. 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."
86. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan Policy CS30 promotes enriching biodiversity.
87. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021 though exemptions apply.
88. The proposal includes picnic benches, but these are not considered permanent development as the picnic tables do not meet the defining points of a building to be considered development. As there is no development no measurable biodiversity units are lost or altered and there is no change to the site in terms of biodiversity units. As such, no further BNG assessment is required.

#### Highway Safety

89. 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.
90. The Councils Highways Authority confirmed a similar arrangement of picnic tables has been in operation for several years and a proposal to make this permanent has no material impact on highway matters.

91. The tables are located circa 6.5m from the western elevation of the Café which enables unfettered vehicular access to the 'staff parking spaces adjacent to the northern elevation of the building, whilst also providing ample space for pedestrians and cyclists. The current areas used for vehicular turning manoeuvres, including for the servicing of the site, will not be impeded.
92. On this basis, the proposal would be compliant with policies CS18 and CS38.

### **Summary/Planning balance**

93. As set out above it is considered that the proposal is acceptable on the basis that:
  - The proposals are acceptable in terms of impact to the Green Belt, there is no impact to openness, and the use of the site for the general public and takeaway customers can be considered a recreational use appropriate to this part of the Green Belt.
  - The proposals will not cause unacceptable impacts in terms of nature conservation or impact to the SCNI or SSSI.
  - The use of the site for takeaway customer seating and public seating on balance will not be harmful as the use is appropriate to this part of the sandbank as outdoor recreation, the use already exists and will be controlled by other conditions to restrict the use and operation; ensure they are always available for the public; ensure the site is properly cleaned and rubbish taken away, and no development or permanent structures can be undertaken on the site.
  - The materials and appearance are acceptable in this seafront location;
  - The impact on amenity is considered to be within acceptable limits the inclusion of waste management and no amplified music or entertainment conditions;
  - The picnic benches will continue to support the visitor and tourism function of the sand spit along with the local beach hut owners;
  - Biodiversity Net Gain issues are acceptable.

### **Recommendation**

94. Grant with the following conditions:

#### **Conditions**

##### **1. Time limit**

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. Development to be carried out in accordance with the approved plans**

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

PL01, PL02, PL03.

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

### **3. Picnic benches to be maintained**

The timber picnic tables must be maintained in terms of appearance, kept structurally sound and repaired or replaced when required, by the operator of the adjacent cafe.

Reason: To safeguard the visual amenities of the locality and to ensure the seating is suitable for use by customers and the general public, in accordance with policies CS5, CS31 and CS41.

### **4. Litter Prevention and Control Plan (LPCP)**

A Litter Prevention and Control Plan (LPCP) shall be submitted to the Local Planning Authority within two months of the date of this permission and be implemented by 1<sup>st</sup> June 2026. The LPCP is for the management of litter waste that arises from the café and takeaway use at the site. It shall include details of at least two additional covered bins to be located within the redline of the site, along with details of a schedule of litter picking and table cleaning to be undertaken by staff around the picnic bench site and return it to the commercial waste storage area on site. Litter picking and cleaning of table should be undertaken at least twice per day and more frequently, if there is a busy period due to more people visiting the café and when bins are full and need emptying. The approved Litter Prevention and Control Plan shall be adhered to at all times whilst the premises are operational.

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).

### **5. No amplified music**

At no time shall any entertainment or amplified music be provided from the site.

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

### **6. Use of the benches/site to be limited to takeaway use and public access retained**

There will be no table service of the picnic tables at any time where food is ordered from or ferried out to the picnic tables by staff of the adjacent Cafe/Restaurant.

The picnic tables must be available for general public use at any time and no business signage can be erected; or and development, demarcation, enclosure or cordoning of the land in anyway, without permission in writing by the Local Planning Authority.

Notwithstanding the provisions of Class A and E, Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order(s) revoking and re-enacting that order with or without modification, at no time shall any addition, extension, hard surfacing, change to external material hereby permitted such as to result in any further development of the site.

Reason: In order to ensure the picnic tables are reserved for open public use at all times and they do not become part of the working commercial operation of the Cafe or the site is developed further in anyway, thereby preserving the open space function of the site.

### **Informatives**

1. INFORMATIVE NOTE: In accordance with paragraph 39 of the 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 minor additional information which was communicated to the applicant/agent.

2. INFORMATIVE NOTE: 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 exempt from BNG because of the statutory exemptions or transitional arrangements listed are considered to apply as the application does not include any built development.

3. INFORMATIVE NOTE: The grant of planning permission does not remove the separate legal requirements for the cafe to ensure the correct premises licenses and lease agreements are secured for the continued use of the site.

### **Background Documents:**

P/25/03404/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