



Planning Committee

Application Address	The Beach House Cafe Mudeford Sandbank Bournemouth BH6 4EN
Proposal	Variation of conditions 1 and 2 of Planning Application 7-2021-11229-N To change period of continued use and conditions of the removal 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.
Application Number	P/25/04071/CONDR
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	Grant in accordance with the details set out below for the reasons as set out in the report
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. Planning permission is sought to alter condition 1 and 2 of temporary planning permission P/25/01461/FUL.
2. Condition 1 imposed a time limit of 3 years for the temporary consent, and this application seeks to extend the temporary consent for a further 2 years. This would result in a total duration of the permission to 5 years with an expiry date of 22nd December 2027.
3. Condition 2 requires a detailed Scheme of Removal for the four shipping containers, it is similar to a Demolition, Construction and Environment Management Plan and seeks to ensure the safe removal of the shipping containers. The application seeks to alter the timing trigger for the submission of the details and to also include the option to reuse the shipping containers in a future development.
4. The other conditions will continue to apply.

Description of Site and Surroundings

5. 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.
6. 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.
7. The site falls within flood zone 3a.
8. Picnic tables with seats sit outside the café to the west, on the opposite side of the access track, which are subject to a separate planning application that is also being considered at this committee.
9. There was an area of unauthorised development to the north side of the café building that includes a timber-built seating area, immediately to the south of the main entrance. This area is the subject of a planning enforcement investigation and is not part of this application. The approval of this application would not authorise the development. The area is within the redline of the café site.
10. The applicant has confirmed that this area has been removed to begin the implementation of the 7-2021-11229-P to ensure this application stays valid and can still be implemented in the future.

Relevant Planning History:

11. 7-2004-11229-J: Alterations, extensions, erection of extractor flue and decking area (Existing unauthorised). Approved Oct 2004.
12. 7-2018-11229-L: Alterations and extension to external decking area. Withdrawn Mar 2018.
13. 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.
14. 7-2020-11229-M: Erection of Café with associated storeroom, etc – Withdrawn due to objections to the design - Dec 2020.
15. 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 by December 2022 BCP Planning Committee, decision issued 22.12.2022.

16. 7-2021-11229-O: Erection of Cafe with associated storage including bin store - regulation 3 – Approved 05.10.2021
17. 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.
18. P/25/01460/ADV - Signage on The Spit at Mudeford – Approved
19. P/25/01461/FUL - Replacement Cafe building (permanent) - Approved (It should be noted that P/25/01461/FUL approved earlier this year included the reuse of the containers).
20. P/25/03404/FUL - 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 – concurrent application
21. P/25/04982/CONDR - 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 reword the condition to a Noise Management Plan is required prior to first use hereby permitted – concurrent application

Constraints

22. 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)

Mudeford Spit SNCI Nature Reserve

Public Sector Equalities Duty

23. 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

24. 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.
25. 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.
26. 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.
27. 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;
28. 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;
29. 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

30. The following parties were consulted on the proposals. Detailed commentaries are given in relevant sections of this report. Summaries are given here;
31. Flood & Coastal Erosion Risk Team: No objections subject to conditions
32. Highway Officer: No objections subject to conditions.
33. Lead Local Flood Authority: No objection
34. Waste and Recycling: No comment

35. Dorset Wildlife Trust: No comment
36. Natural England: No comment
37. Environmental Health: No Objection

Representations

38. Site notices were posted in the vicinity of the application site with an expiry date for consultation of 14/11/2025.
39. 38 Objection comments have been received, of which at least 10 are within the 1-mile radius of the site and the majority of the comments are from beach hut owners. A letter of objection was also received from a solicitor on behalf of the Mudeford Sandbank Beach Hut Association.
40. While some comments were submitted labelled as 'support' or 'comment', all submissions contained objections.
41. A summary of the objections are as follows,
- The situation has been going on for 7 years and the time limit extension should be restricted to 1 year as a maximum.
 - There are no toilets at the current operation, and too much pressure is put on nearby public toilets, causing anti-social behaviour nearby to the toilet blocks, or people urinating in alleyways between the huts.
 - Temporary toilets should be provided with the temporary offer.
 - The current operation is a shanty town, objections to the whole temporary operation.
 - Current operation breaching licensing conditions
42. Impacts to neighbouring beach hut owners' amenity
- The new conditions on the recent approved application (P/25/01461/FUL) should be required now.
 - Antisocial behaviour resulting from the current operation needs to be addressed.
 - The application is not valid as it is submitted under section 73 of the Town and Country Act it should be applied for under section 73A.
43. *Officers' response* – This application is for changes to the conditions of the temporary permission, it does not re-open the assessment of the whole permission, that would be outside the scope of this application and the powers set out in section 73 of the Town and Country Planning Act (1990).
44. Section 73 is the correct part of The Act to apply in this circumstance, as the original permission was implemented in full and no pre commencement or occupation conditions were breached. The conditions that are the subject of this application do not change the validity of the implemented permission. Furthermore, the application does not seek to alter the description of the proposal or to implicitly change anything that is in the proposal description.
45. While officers can see merits in the supply of additional toilets at the site, it is not part of the original approval and so cannot be required under this type of application. It should be noted that the recently approved scheme provides 2 customer toilets, and 1 staff toilet.
46. Licensing is assessed under separate legislation, and this was recently considered at a licensing review. The revised License is considered under this application.

Key Issues

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

Policy context

49. 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 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'*

Muddeford Sandbank Management Plan April 2014 – March 2024

Planning Assessment

Principle of development

50. The principle has already been established with the previous temporary consent, which was granted by BCP Planning Committee in December 2022. In general terms the use is considered to be appropriate in this location. The main issue is whether the temporary period should be extended, and this will be assessed in the sections below.
51. The applicant requests an extension of time for two years to allow time for the conditions of the recent approval to be discharged and then for operations to construct the approved planning permission. There is a good likelihood of the either extant permission (with the enclosed roof), or the recent approval (with the open roof and reusing the containers) being implemented. Conditions are in the process of being discharged for the extant 2022 permission.
52. In considering timing of the operation to remove the current temporary offer and erect the permanent development it is important to consider the specific conditions of this site. The applicant has confirmed that it is the intention to begin works after the 2026 summer season finishes and the works are estimated to take around 6 months.
53. The low season October to March would be the best time to demolish existing structures and erect the replacement building, and it would not be suitable to have these operations taking place over the summer period for the reasons that there is a need for a shop/café/takeaway facility during the peak summer months.
54. Nearly all of the objection comments requested that the permission was limited to only one further year so as not to delay the implementation of the permanent cafe. This would mean that the new temporary permission would expire in circa late December 2026 or early January 2027.
55. The implementation of the new permission has to take into account the time taken to discharge conditions, a functioning supply chain, workforce availability, tides, weather, and high and low tourist seasons as well as some contingency time. Given the most recent approval was granted 29/10/2025, and still requires conditions to be discharged, a two-year timeframe is considered sensible.

Impact on the Green Belt

56. The site falls within the designated Green Belt. The previous assessment concluded that given the size layout and design of the development it would not have a greater impact on the openness of the Green Belt than the previous development. This conforms with paragraph 154(g) of the NPPF. This part of the NPPF has not changed in the intervening

years and therefore the assessment remains the same. The nature of the permission continues to be temporary, and the wording of the condition would be updated to reflect this.

Impact on Conservation and the Mudeford Sandbank Spit SNCI and SSSI

57. The site is located adjacent to a designated Site of Special Scientific Interest (SSSI) and Site of Nature Conservation Interest (SCNI). It comprises 'built form' on the sandbank, occupying the site used and operated as a café/restaurant historically. No encroachment was approved into the harbour or across the beach outside the extant operational footprint area. This has not changed within this proposal and therefore remains acceptable in this regard.
58. A method of removal for the containers is required in condition 2 of the temporary permission, and it is proposed to alter the timing and wording of the condition to allow the reuse of the containers on the site which would align with the recent approval P/25/01461/FUL which retains the containers. There is also still potential for the extant permission 7-2021-11229-P (with the solid roof) without the reuse of the containers, to be built out.
59. Therefore, it is reasonable to alter the condition to allow either of these permissions to be built out while complying with the conditions of the temporary permission, whilst maintaining controls on any impacts to ecology and the environment. The wording of the condition should be altered appropriately and attached to this permission.
60. It should be noted that both the above-mentioned permanent permissions require comprehensive Demolition, Construction and Environmental Management Plans, that include environmental controls.
61. Subject to the above-mentioned condition the retention of the temporary offer for a further 2 year period 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 years satisfies the aims of local policies CS1, CS6, CS30, CS34, CS35; CS41, the Seafront Strategy 2007, the MSMP and also complies with the NPPF.

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

62. 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.
63. 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.
64. The materials and appearance of the proposal are unchanged from the existing temporary permission. The permanent approved options exist for the site and are highly likely to be built out within the next 1-2 years and the continued existence of the temporary structures

would enable the continued operation of the café while these are finalised and prepared for delivery on site.

65. There are no changes proposed to the development and the proposal will remain temporary. Therefore, the proposal would continue to 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.

66. A café has operated in this location for more than 60 years and is subject to premises license conditions. This would continue to be the case, notably following the recent Licensing review with updated conditions.
67. The planning assessment covered the aspects of opening hours, noise from amplified music, odour, waste, privacy and the provision of a local shop.
68. The Council's Environmental Health officers have provided the following comment:
- "After reviewing the application, the two-year extension of temporary permission is intended to allow time for construction of the newly approved permanent building.*
- The Premises Licence for the Beach House was recently reviewed by the Licensing Sub-Committee on 12 November 2025. The committee decided to amend the licence conditions, including (not exhaustive):*
- *Reducing alcohol sale and supply hours*
 - *Closing of premises by 23.30hrs to customers*
 - *Implementing a noise management plan*
 - *Implementing dispersal policy*
 - *Restricting delivery and removal of waste hours*
 - *Two additional litter bins to be installed*
- Given these changes, we are satisfied that adequate controls are in place to manage noise from the premises and therefore have no grounds to object to the proposal."*
69. **Opening Hours** - There are no opening hours imposed on the temporary planning permission and given the objections and the receipt of complaints in recent months it is considered reasonable to impose a compliance condition to restrict public opening hours align with the recent licensing review decision which altered the licensing conditions to include a closing time of 23:30 with last sales of alcohol to 23:00. An appropriate condition will be added.
70. **Amplified Music** - The operation has included live music events usually twice per week through the summer and once per week through the winter. Previous decisions have concluded this type and amount of live music is not inappropriate but that it should be controlled by Noise Management Plan (NMP) due to neighbouring beach hut proximity. The current temporary permission does not include an NMP therefore for this temporary use to be considered acceptable in terms of noise impacts the neighbouring beach huts for to a potential further 2 years it needs to be demonstrated that noise is properly managed. As such a suitably worded condition that aligns with previous permissions will be included. This will align with previous planning recommendations and the recent license review.
71. **Odour** – Previously a condition was applied to control odour as far as is possible given the operation from semi-open kitchens within the containers. It would be reasonable to continue the use of this condition to ensure the operation remains acceptable in terms of odour and

local amenity in relation only to the temporary permission. It should be noted not comments and complaints have not related to odour. The permanent replacement will require extraction and ventilation with odour control.

72. **Waste and Servicing** – While the containers remain, bins and servicing would remain housed to the rear of the site between the outbuildings and rear (east) of the shipping containers, with the outbuilding and gas store remaining part of the storage facilities. Parking for staff would remain to the north of the compound. Activity associated with the existing rear service path between outbuilding/stores and the café compound cannot be controlled by a condition limiting activity as this would place unreasonable and restrictive limitations on the café, contrary to NPPF para 56.
73. Overall, it is considered that the extension of the temporary use for a further two years would not have a negative impact on the amenity of beach hut occupants and would be in accordance with Policies CS38 and CS41 of the Core Strategy, subject to the imposition of the conditions as stated above.

Biodiversity

74. With regard to Statutory Biodiversity Net Gain, the assessment does not apply to:
- retrospective planning permissions made under section 73A; and
 - section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.
75. As such, no further assessment is required in terms of BNG.
76. The previous application included a condition regarding external lighting, requiring that any additional lighting would require permission in writing prior to installation. This was in response to concerns around the disturbance of foraging bats. This condition will be included again on this permission. It is understood that there is no intention from the applicant to install any external lighting.

Highway Safety

77. 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.
78. Highways Officers provided the following comments:
- “Condition 1 Planning permission ref. 7-2021-11229-N was granted on the 22nd December 2022. Condition 1 restricts consent to a temporary period of 3 years until December 2025 hence this proposal seeks to extend said permission for a further 2 years until December 2027. The continued operation of the development as existing has no material impact upon highway matters.*
- Additionally, it is requested that Condition 1 be amended to reflect that the shipping containers may not be moved off site as they are incorporated into the proposed scheme for a new permanent building. Again, this has no material impact upon highway considerations per se, and the impact of a permanent building designed with or without storage containers, will be assessed as part of a separate planning application. Condition 2 An alteration to the trigger date for information pertaining to this condition, from within 12 months to prior to 6 months of the date of decision, has no material impact upon highway matters. Similarly, an amendment to wording to include the potential reuse of the storage*

containers does not result in a material impact upon highway matters. Any reuse of containers within the design of a permanent building will be assessed as part of a separate planning application.”

79. As mentioned above, method of removal for the containers is required in condition 2 of the temporary permission, and it is proposed to alter the timing and wording of the condition to allow the reuse of the containers on the site which would align with the recent approval P/25/01461/FUL which retains the containers. There is also still potential for the extant permission 7-2021-11229-P (with the solid roof) without the reuse of the containers, to be built out.
80. Therefore, it is reasonable to alter the condition to allow either of these permissions to be built out while complying with the conditions of the temporary permission.
81. It should be noted that both the above-mentioned permissions require comprehensive Demolition, Construction and Environmental Management Plans, that will also control any impacts in terms of highway safety once the temporary offer ceases to exist.
82. It has been noted that the cycle storage had not been constructed in accordance with the approved drawings. This is partly due to the existence of unauthorised development in the area the cycle parking was meant to be installed.
83. This must be rectified going forward to ensure the cycle storage is installed and available for visitors to use for the remainder of the temporary permission period. Therefore, the wording of the relevant condition will be updated to require details of the construction and location of the cycle storage to be submitted within two months of the date of this decision and to be installed and operational no later than 1st June 2026.
84. The area of unauthorised development was removed in December 2025, and this is where the Applicant has started foundation work to commence the extant permission 7-2021-11229-P.
85. The Council's Highway Officer was previously satisfied with the proposals and has no objection to the additional period sought or the reuse of the containers. On this basis, the proposal would be compliant with policies CS18, CS38 and CS41.

Summary

86. As set out above it is considered that the proposal is acceptable on the basis that;
 - The proposals remain acceptable in terms of impact to the Green Belt.
 - The proposals will not cause unacceptable impacts in terms of nature conservation or impact to the SCNI or SSSI.
 - The design is acceptable on the basis that the proposal is still for a temporary but extended period;
 - The impact on amenity is considered to be within acceptable limits with a Noise Management Plan and Waste Management Plan and hours of operation in place and;
 - The impact to highways is acceptable subject to an updated condition requiring details of revised cycle storage.
 - The temporary offer will continue to support the local hut owners and the tourism function of the sand spit;
 - Biodiversity Net Gain issues acceptable.

Recommendation

87. Grant with the following conditions:

Conditions

1. Temporary 5-year Permission & Approved Plan Nos.

The 4no. modified shipping containers hereby permitted (hereafter referred to as 'the 4no. Containers') on site and shown within the site outlined in red and marked as A, B C and D and on plan no. 201004/001 shall only be used in connection with the existing use of the site for the sale and consumption of food & refreshments (hereafter 'the permitted use') for a period of 5 years expiring 31st December 2027. After 31st December 2027, the permitted use of all 4no. containers shall cease.

Reason: For the avoidance of doubt, in the interests of proper planning and to facilitate the unimpeded implementation of the approved planning applications for a permanent structure subject to the satisfactory discharge of their respective conditions

2. Demolition and Removal or Reuse Plan (DRRP)

By 31st October 2026, a Demolition and Removal or Reuse Plan ("DRRP") of the modified shipping containers (hereafter 'the 4no. containers') existing on site and depicted as A, B C and D on plan no. 201004/001; together with any means of fixation or utility connection also being removed; and details for the making good of the area beneath (hereafter 'the approved scheme'), shall have been submitted for the written approval of the local planning authority.

The DRRP submitted shall include where relevant depending on removal or reuse:

- a) 24-hour emergency contact number;
- b) Location for vehicular parking for site operatives and visitors
- c) Details of measures to be taken to ensure satisfactory access and movement for beach hut users and the general public during demolition and removal;
- d) Locations for loading/unloading and storage of plant, waste and construction materials;
- e) Measures to protect vulnerable road users (cyclists and pedestrians)
- f) Any necessary temporary traffic management measures;
- g) Arrangements for turning vehicles;
- h) Arrangements to receive abnormal loads or unusually large vehicles or have them attend site;
- i) Methods of communicating the approved (demolition and removal or reuse) scheme to staff, visitors and occupants of the beach huts;
- j) Control measures to prevent chemical/fuel and other liquid contaminant run-off from the removal process into nearby waters;
- k) A Method Statement 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 removal/reuse/demolition phase are avoided (see note);
- l) Arrangements for disposal of other waste during the demolition/removal;
- m) Contingency measures for High Tide flood events; machinery failure etc;
- n) An anticipated timetable setting out key dates for removal or reuse, with plant/vehicular movements having regard to the time-limits set by condition 1 of this permission.

Note 1: The 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 liquid run-off and lighting control measures to avoid temporary impacts on wildlife and the during the demolition/removal phase.

No demolition removal or reuse of the shipping containers shall take place, nor shall any heavy plant, crane or vehicles associated with any removal attend the site until such a time that the DRRP has been approved in writing by the LPA.

All components of the approved DRRP shall be implemented and adhered to in full throughout the demolition and removal period.

Reason: These details are required in advance of demolition and commencement in order to safeguard the daytime amenity of users 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).'

3. External Lighting

Notwithstanding any details contained in any documents submitted in connection with the development hereby permitted, prior to the erection of any additional external lighting attached to any part of the exteriors of the 4no. containers hereby approved, there shall be submitted to and approved in writing by the local planning authority details of all proposed external lighting.

The details shall in particular include provisions:

(a) on the installation location and operation of any such lighting; and

(b) to secure that:

- (i) all new external lighting, including security lighting, is connected to a timer so that it is extinguished overnight between 23.15h and 07:00h daily;
- (ii) any security lighting provided to site or compound entrances shall be operated by PIR sensor until 00.00 that same night after which time the sensor shall remain off until the following evening; and
- (iii) any lighting installed to the exterior of the containers:
 - (A) points downwards at an angle of no more than 30 degrees perpendicular from a point no higher than 2m above the ground level adjacent to the installation;
 - (B) does not face any window or decked area within or attached to any beach hut; and
 - (C) shall not be directed to shine light on the harbour or water.

Prior to its first use in dark hours, the external lighting shall be fully provided in accordance with the approved details and shall at all times thereafter be operated in accordance with the approved details and at all times thereafter maintained in full working order.

Reason: In the interest of providing biodiversity net gains, conserve and improve landscape and townscape, biodiversity and habitats and to consider adjacent amenity and in accordance with Policies CS30 and CS41 of the Bournemouth Core Strategy (2012).

4. Cycle Parking Provision

Within two months of the date of this decision, revised details of cycle storage design and location are to be submitted to the Council for approval in writing. The cycle stores must be installed no later than 1st June 2026. The cycle parking shall be constructed utilising coated or stainless-steel cycle stands (or a similar theft-proof corrosion-proof material) to limit the

effect of sea air corrosion. Thereafter, these provisions shall be retained and made available for these purposes while the café is open and for the lifetime of this temporary permission. Upon expiry of this consent in accordance with the requirements of condition nos. 1 and/or 2, the cycle parking shall also be removed from the site and the ground made good.

Reason: To ensure the provision of cycle parking facilities 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).

5. FRA Measures to be implemented:

The operation of the site and containers shall be carried out in accordance with paragraphs 5.1 and 5.2 of the submitted flood risk assessment (dated November 2022, Version 1) and the mitigation measures it details in paragraphs 5.3, requiring the operator to subscribe to the early warning weather notification service. The measures detailed above shall be retained and maintained 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).

6. Odour (Hot food cooking)

Hot-food cooking shall only take place within the shipping containers identified as B and C on approved plan no. 201004/001 between the following times:

- 08.00-22.15 hours - Daily, June-September, & December
- 08.00-21.30 hours - Daily, All other months

No hot food cookery shall take place at any time within containers identified as A or D on approved plan no. 201004/001.

Reason: In order to safeguard the amenities of nearby beach hut users and to protect the environmental amenities of the immediate locality and in accordance with Policies CS38 and CS41 of the Bournemouth Core Strategy (2012) and Mudeford Sandbank Management Plan 2014-2024.

7. Servicing & Waste Management Plan

The areas used for waste and recycling storage and general servicing, to the rear (east) and side (north) of the site, and shown on plan no. 201004/101 shall be retained in situ and made permanently available for these purposes for the lifetime of the temporary permission and accessible to staff at all times while the containers are 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).

8. Noise Management Plan

Within two months of the date of this decision, 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.

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 1st March 2026 so that it is in place before the next summer season 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).

9. Litter Prevention and Control Plan (LPCP)

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 at the entrance to the café, along with details of a schedule of litter picking to be undertaken by staff around the site and extending out to at least 80m from the site to collect takeaway litter and return it to the commercial waste storage area on site. Litter picking 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)

10. Opening Hours

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 23:30.

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).

Informatives

1. **INFORMATIVE NOTE:** In accordance with paragraph 39 of the NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions,

In this instance:

The applicant was not provided with pre-application advice, but the application was dealt with following discussions with the applicant and subsequent amendments.

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

3. **Emergency Planning Advice from the Environment Agency**

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 2.71mAOD - 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, the containers 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 high-level refuge. 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. It should be noted that Section 4.3 of the FRA submitted in respect of 7-2022-11229-P (and this application) contains discussion in this regard.

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.

4. Emergency Planning Advice from the LPA

INFORMATIVE NOTE: In addition to the operator or cafe manager subscribing to the Environment Agency early warning alert system in accordance with condition 5 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.

Background Documents:

P/25/04071/CONDR

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