

CHRISTCHURCH TOWN COUNCIL

PLANNING AND REGULATORY COMMITTEE

Minutes of the Meeting held on 3 December 2019 at 6.00pm at the Druitt Hall, High Street, Christchurch BH23 1AJ

Present:-

Vice-Chairman: Cllr F F T Neale (in the Chair)

Present: Cllr J A Abbott, Cllr T Lane, and Cllr M J Tarling.

Apologies: Cllr M Cox and Cllr L Dedman.

Officers present: Daniel Lucas, Town Clerk
Susan Roxby, Administrative Support Officer

152. Declarations of Interest

Cllr Neale declared a non-pecuniary interest in Minute No. 156 (Planning Application 8/18/352/OUT as he knew someone who had a factory which adjoined the application site. Cllr Neale had also appeared in the literature which the applicant prepared concerning a Public Forum where other councillors were also present and remained present for the discussion and voting thereon.

153. Minutes of Previous Meeting

The minutes of the meeting held on 12 November 2019 were agreed and signed as an accurate record subject to the following amendments:

1. Minute no. 139 page 6, the first paragraph amended to *read: The proposition fell on being put to the vote with voting: 3: 3: (1 Abstention) (The Chairman used his casting vote)*
2. Minute no. 139 page 6, the third paragraph amended to read: *Cllr Jones proposed that the application be rejected, the motion was seconded by Cllr Neale due to it being detrimental to the amenities of the neighbours and lack of parking in the Town; and*
3. Minute no. 139 page 6, the voting for application 8/18/3263/FUL amended to 4:3.

Voting: unanimous

154. Public Participation

Mr Peter Fenning spoke in objection to Planning Application 8/19/1376/FUL.

155. Public Questions

There were no questions from the public on this occasion.

Cllr Abbott joined the meeting at 6.12pm.

156. Planning Applications:

Members were asked to consider the applications listed below and that the following comments be forwarded to Bournemouth, Christchurch and Poole Council:

1. Application: 8/18/3532/OUT

Demolition of existing Industrial Building and residential development of up to 167 units (mix of 2 & 3 bed houses and 1 & 2 bed flats) with associated access and car parking (amended)

At John Reid and Sons Ltd, Reid Steel, Structsteel House, 3 Reid Street, Christchurch BH23 2BT.

Following comprehensive debate Members raised the following concerns:

- Concerns about the impact of the development upon the Town Common SPA and the lack of clarity over the proposed SANG;
- Massing of flats was too high and not in keeping within the area;
- Density of the site was over developed;
- Concerns about minimal, if any affordable housing being provided;
- Loss of employment land and the impact upon the area; and
- Highways concerns due to the access road being too narrow and additional traffic from the proposed housing and crossing.

RESOLVED that the Town Council RAISE OBJECTION for the following reasons:

- a) **The proposal represents a likelihood and risk of harm to the integrity of the Dorset Heathlands designated sites due to the proposed SANG being further away from, or at least equidistant**

from Town Common (a designated European site). Without an analysis by way of a comprehensive methodology via survey data of the visitor capacity of the proposed SANG and given the potential attractiveness of both Town Common and the proposed SANG there is a very real risk of harm to the integrity of the SPA. Therefore the proposed development does not accord with the Habitats Directive Article 6(3) and that any Appropriate Assessment conducted given the risk that both sites shall remain attractive does not meet the threshold required of Article 6(3) in satisfying the competent authority that there is no real scientific doubt as to the potential for adverse effects from the project on the protected site. Adopting the precautionary principle following *Waddenzee* [2004] EUECJ C-127/02 and *Commission v Spain* [2011] EUCJ C-404/09 given the doubt about visitor capacity of the proposed SANG and that the SANG is equidistant or further away suggests that the proposal does not accord with policy ME1 of the Christchurch and East Dorset Local Plan -Part 1 Core Strategy and the Dorset Heathlands Planning Framework 2015-2020 SPD ;

- b) The proposal has not identified any substantiated commitment to minimum affordable housing provision. Without further information concerning the outstanding viability issues the scheme is currently contrary to policies LN1 and LN3 of the Christchurch and East Dorset Local Plan - Part 1 Core Strategy;

- c) The site is in a sustainable location well served by the infrastructure present. The proposal has not demonstrated the evidence required to illustrate the lack of market demand over the plan period. The policy sets a high evidential threshold where strong evidence must overcome the policy of preserving existing employment sites given the shortage of available employment land in the sub region. The scheme is therefore contrary to PC2 of the Christchurch and East Dorset Local Plan - Part 1 Core Strategy

The Town Council noted further concerns relating to traffic backing up due to the proposed crossing required by section 278/38 Highways Act 1980 works.

Voting: unanimous

Cllr Neale declared a non-pecuniary interest in this item and remained present for the discussion and voting thereon.

Application: 8/19/1372/OUT

Demolish existing buildings and erect a block of 6 no 1bedroom flats with parking, bin and cycle storage.

At 40 Darwin Avenue, Christchurch. BH23 2JB.

RAISE NO OBJECTION although the Town Council passed comment that it would rather the application was pushed back by 1 metre to be in line with the existing footprint of the existing building to respect the line of built form prevalent in the street-scene.

Voting: 3: 0 (1 Abstention)

2. Application: 8/19/1376/FUL

Formation of pedestrian access from classified public highway; installation of surfaced pathway, gate and handrails.

At Land north of A35 and south of Milhams Common.

Mr Peter Fenning spoke in objection to this application and raised concerns that the common should be accessible for all and that the kissing gate did not consider the less mobile and disabled as it was stepped. Further concerns were expressed regarding the water meadows on the common which flooded and that SANG stated that a path must be dry.

OBJECTION RAISED due to:

- 1. The kissing gate design and stepped access does not allow for wheelchair users to gain access to the site. Planning permission would allow the public sector equality duty at section 149 of the Equality Act 2010 to be breached and as such equates to a material consideration of such weight which must be considered in the planning balance to outweigh the development plan considerations;**
- 2. The proposed scheme does not accord with policy ME1 of the Christchurch and East Dorset Local Plan -Part 1 Core Strategy and the Dorset Heathlands Planning Framework 2015-2020 SPD – as the site is not suitable in principle for Heathland Infrastructure Provision given that the site floods frequently and**

is rendered unusable for a proportion of the year which has not been accounted for.

Voting: unanimous

The meeting ended at 7.55pm

CHAIRMAN