



Development Management
Civic Offices
Bridge Street
Christchurch
Dorset
BH23 1AZ

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Mr Tom Whild
Anniversary House
23 Abbott Road
Bournemouth
BH9 1EU

Refusal of Outline Planning Permission

Application reference no: **8/17/0763/OUT**

Christchurch Borough Council in pursuance of powers under the above-mentioned Act hereby **REFUSE** to permit:

**Development of up to 40 dwellings and a residential nursing/care home,
creation of access and realignment of existing footpath.
Amended proposals have been received and the application now proposes:
up to 35 dwellings;
a 68 bed care home;
a reduction in application site area;
updated tree information;
changes to access arrangements.**

at Land at Jesmond Avenue CHRISTCHURCH BH23 5AY

in accordance with the refused plans, for the following reasons:

1. Inadequate and insufficient survey and mitigation information has been submitted in order for the Local Planning Authority to conclude that the proposed development would not have an adverse impact on fluvial and surface water flood risk within the application site and in the local area. The proposal has failed to suitably take climate change into account. The proposal does not satisfy the National Planning Policy Framework Sequential Test. Development is sited within 4 metres of a main river culvert. Therefore, the proposed development does not accord Christchurch and East Dorset Core Strategy Policy ME6, Local Plan Policy ENV5 and National Planning Policy Framework Paragraphs 100 and 103.

2. Inadequate and insufficient survey and mitigation information has been submitted in order for the Local Planning Authority to conclude that the proposed development would not have an adverse impact on biodiversity. The proposal has not made suitable provision for a suitable biodiversity ('green') corridor through the application site. The proposed development is therefore contrary to Christchurch and

East Dorset Part 1 Core Strategy Policy ME1, Local Plan Policy ENV15 and National Planning Policy Framework Paragraph 118.

3. Inadequate and insufficient survey and mitigation information has been submitted in order for the Local Planning Authority to conclude that the proposed development would not have an adverse impact on Protected Trees. The proposed development is therefore contrary to Christchurch and East Dorset Part 1 Core Strategy Policy HE3.

4. The submitted information and plans has not demonstrated that a residential development of up to 35 dwellinghouses, a 68 bedroom Class C2 use Care Home and sufficient associated landscape and planting in non-private spaces can be accommodated on the site without adverse impact on the landscape character of the site and the local area. The built density of the proposed development would not be appropriate for the application site and the local area. For these reasons the proposed scheme does not represent high quality design. Therefore, the proposal does not accord with Core Strategy Policies LN2, ME1, HE2 and HE3, Local Plan Policy ENV15 and National Planning Policy Framework Paragraphs 58 and 64.

5. The proposal would have an adverse impact on the residential amenity of future occupiers of the Class C2 care home by virtue of the lack of sufficient private amenity space. The proposed development is therefore contrary to Christchurch and East Dorset Part 1 Core Strategy Policy HE2.

6. The submitted information and plans have not demonstrated that the two proposed shared surface accesses onto Jesmond Avenue allow occupants to safely access and egress during a design flood event. The proposed development is therefore contrary to Christchurch and East Dorset Part 1 Core Strategy Policy KS11 and National Planning Policy Framework Paragraph 32.

7. The proposal would not provide a suitable housing mix (bedrooms) and tenure mix of affordable housing which adequately reflects local housing evidence. The proposed development is therefore contrary to Christchurch and East Dorset Part 1 Core Strategy Policies LN1 and LN3, and the Christchurch and East Dorset Housing and Affordable Housing Supplementary Planning Document April 2014.

8. The proposal would not provide a suitable market housing mix (bedrooms) which adequately reflects local housing evidence. The proposed development is therefore contrary to Christchurch and East Dorset Part 1 Core Strategy Policy LN1.

9. In the absence of suitable information the proposal has not demonstrated that any impacts upon or risk to the strategic aims and objectives of Dorset County Council and NHS Dorset health and social care services have been taken into account and mitigated against and therefore is contrary to Christchurch and East Dorset Part 1 Core Strategy Policy LN6.

10. Whilst noting the applicant's willingness in principle to enter into a legal agreement securing suitable contributions, In the absence of a legal agreement to secure the provision of Strategic Access Management and Monitoring (SAMM) for Dorset Heathlands and Affordable Housing to meet identified local housing need, the proposal does not accord with the Christchurch and East Dorset Local Plan Part 1 Core Strategy Policies ME2 and LN3, and the guidance in the Dorset Heathlands

Planning Framework 2015-2020 Supplementary Planning Document and the Christchurch and East Dorset Housing and Affordable Housing Supplementary Planning Document April 2014.

The following Informative Notes are drawn to the Applicant's attention:

Signed 

Head of Planning

Decision Date: 12 February 2018

NOTES TO THE APPLICANT

Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012)

In accordance with the above, Christchurch Borough Council has worked with the applicant in a positive and proactive way by offering to engage in pre-application discussions and, where possible, by enabling problems to be resolved within applications in accordance with its Development Management Charter. Where the applicant chooses to engage in pre-application discussions, these will be referred to in the application report. In responding to pre-application enquires and determining formal applications, Christchurch Borough Council always seeks to look for solutions rather than problems so that applications for sustainable development can be approved, thereby resulting in improvements to the economic, social and environmental conditions of the area.

Policy considerations and reasons

In reaching this decision the policies in the Development Plan for the area, which currently comprises the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014, were taken into account. Saved policies within the Christchurch Local Plan 2001 were also taken into account. These include specifically the following policies:

CF 4	Highcliffe Community Facility
CF 5	Public Art
CH4	Highcliffe District Centre Vision
ENV 1	Waste Facilities in New Development
ENV 15	Protection of Green Corridors
ENV 21	Landscaping in New Development
ENV 5	Drainage and New Development
ENV 6	Connection of Development to Mains System
H12	Residential Infill
H16	Crime Prevention and Design
HE2	Design of new development
HE3	Landscape Quality
HE4	Open Space Provision
KS1	Presumption in favour of sustainable development
KS10	Strategic Transport Improvements

KS12	Parking Provision
KS2	Settlement Hierarchy
KS4	Housing Provision in Christchurch and East Dorset
KS9	Transport Strategy and Prime Transport Corridors
L12	Other Proposed Open Spaces
LN1	The Size and Type of New Dwellings
LN2	Design, Layout and Density of New Housing Development
LN3	Provision of Affordable Housing
LN7	Community Facilities and Services
LTDEV1	Criteria for external lighting on developments.
ME1	Safeguarding biodiversity and geodiversity
ME2	Protection of the Dorset Heathlands
ME3	Sustainable development standards for new development
ME4	Renewable energy provision for residential and non-residential developments
ME5	Sources of Renewable energy
ME6	Flood Management, Mitigation and Defence
ME7	Protection of Groundwater
P3	Highcliffe Public Parking
P5	Replacement for Loss of Car Parking
T1	Access to District Distributor Roads
T16	Access for those with impaired mobility

Appeals to the Secretary of State

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you may appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. The appeal will be dealt with, on behalf of the Secretary of State, by The Planning Inspectorate.

- If you want to appeal your Local Planning Authority's decision then you must do so within 6 months of the date of this Notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application, and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.
- Appeals must be made using the Appeals Casework Portal which is available at <http://www.planningportal.gov.uk/planning/appeals/> alternatively, please call The Planning Inspectorate on 0303 444 5000.
- The Planning Inspectorate can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal.
- The Planning Inspectorate need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under a development order.
- In practice the Planning Inspectorate does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notice

If either the local planning authority or the Planning Inspectorate refuse permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.