



Appeal Decision

Site visit made on 10 June 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/V1260/W/24/3352500

195 & 195A Barrack Road, Christchurch BH23 2AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Volsen Holdings Ltd & Geejay Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 8/22/0445/OUT.
 - The development proposed is the demolition of existing buildings and erection of a mixed use block consisting of 3 offices and 25 apartments with associated bin and cycle stores.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of a mixed use block consisting of 3 offices and 25 apartments with associated bin and cycle stores at 195 & 195A Barrack Road, Christchurch, BH23 2AR in accordance with the terms of the application, Ref 8/22/0445/OUT, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal proposal was submitted in outline with the appearance and landscaping to be considered at reserved matters stage. Where drawings detail any appearance and landscaping I have treated these as being indicative to show a possible way of developing the site.
3. There is a planning obligation before me, the Council has confirmed it is necessary and reasonable, responding to the nature, type and scale of the proposed development as well as responding to reasons for refusal 2, 3 and 4. There is nothing compelling before me to disagree. I have therefore taken it into account.
4. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) it is incumbent upon me as the competent authority to carry out an assessment with regards to the effects of the development upon the protected features of a European site.

Main Issues

5. The main issues are;
 - Whether the development would be likely to have a significant effect on the integrity of the River Avon Special Area of Conservation (SAC), with particular regard to nutrient neutrality, and the Dorset Heathland Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Ramsar and SAC; and

- Whether the proposed development makes adequate provision for facilities through developer contributions.

Reasons

European Sites

6. The sites are European sites designated under the Regulations which impose a duty on the competent authority to consider, within the framework of an appropriate assessment, whether the development, either alone or in combinations with other developments, would have a significant effect on the conservation objective of the sites.

River Avon SAC

7. The appeal site falls within the catchment of the River Avon SAC, which is a large, lowland river system supporting various aquatic species. There is a known issue with nutrients entering the river and adversely affecting environmental conditions for the qualifying species. Residential and commercial development will contribute to an increase in phosphates due to foul water discharge.
8. Policy ME1 of the Christchurch and East Dorset Local Plan art 1 – Core Strategy (2014) (CS) requires that development protect, maintain and enhance internationally designated sites such as SACs.
9. Whilst the appeal site had previously been used as a care home, submitted nutrient calculations detail that the proposed development would result in the discharge of an additional 3.92 TP/yr of phosphate to the hydrological catchment of the River Avon SAC. As a result, the proposed development could harm the water quality of the River Avon SAC. There would be a Likely Significant Effect from the proposed development and in the absence of mitigation, it would not be possible to conclude that there would not be an adverse effect on the integrity of the River Avon SAC.
10. The Council have advised that applicants must show upfront that they have measures in place to deal with phosphates in order to meet the Appropriate Assessment (AA) requirements. The Council stated that at the time of the application there were no approved credit mitigation providers, however they have confirmed that since the application was determined the Council have signed agreements with credit providers which now provide the appellant with options to mitigate the phosphate impact.
11. Natural England have confirmed that they are satisfied with the appellants nutrient budget calculations and have confirmed that they are correct. Subject to the purchase of credits along with limiting water use within the proposed development the scheme would appropriately mitigate the additional phosphate loads.
12. The appellant is in the process of purchasing credits to mitigate the additional phosphate loading. The Council have proposed a condition securing the mitigation prior to the commencement of development to secure the allocation of credits required to mitigate the impact of the development on phosphorus levels in the fluvial catchment area of the River Avon SAC. I am satisfied that such a condition would secure appropriate mitigation measures to ensure the integrity of the River Avon SAC.

Dorset Heathlands

13. The proposal is within 5km of the Dorset Heathlands, SSSI, SPA, SAC and Ramsar. The proposed development would introduce new permanent residents in the area close to the designated sites where they would be likely to visit them for recreational purposes. This could be the case for the duration of the development. As such it could compromise the conservation objectives of the specific qualifying features and lead to an adverse effect on the integrity of the sites.
14. The Dorset Heathlands Supplementary Planning Document (2020) (SPD) describes a strategic approach used by the Council along with Dorset Council to secure avoidance or mitigation measures required for new development within 5km of the sites. It sets out a strategy for Strategic Access, Management and Monitoring, which helps to secure the day-to-day costs of helping local people to behave in ways less harmful to the heathlands, including use of wardens, awareness and education. It also covers monitoring. It sets out a tariff per new house in this Council's area to be paid prior to commencement, and the requirement for a monitoring fee. I understand the measures in place have been considered effective by Natural England in preventing adverse impacts on the integrity of the sites and I have no strong reason to conclude otherwise.
15. The submitted Section 106 Agreement would secure a contribution of £8,700 to be spent towards strategic access, management and monitoring of the Dorset Heathlands, which the appellant describes is an index linked figure, to be paid prior to commencement. The Council have raised no objection or concerns regarding the agreement, and I consider it would adequately secure the required mitigation.
16. In conclusion, the proposal would mitigate for its adverse effects and would be compliant with the guidance contained within the SPD which requires that development will not lead to adverse effects upon the integrity, directly or indirectly, of the Dorset Heathlands international designations.

Conclusion on European Sites

17. I therefore conclude that, following appropriate assessment under the Regulations, I am satisfied that adverse effects arising from the proposal, either individually or in combination with other development, on the integrity of the River Avon SAC, and Dorset Heathlands, SSSI, SPA, SAC and Ramsar will be avoided. Natural England were consulted on the appropriate assessment and whilst no comment has been provided, I am confident that through the imposition of conditions and the Section 106 Agreement that the proposed measures would be sufficient to reduce the impact on the designated sites that would be affected by this development.

Developer Contributions

18. A Section 106 Agreement has been submitted which includes provisions relating to highway improvements, contributions towards the Dorset Heathlands, and an early stage viability assessment.
19. The Council have requested a contribution of £20,000 to be paid towards highways improvements, namely upgrading the existing flag stand opposite to a Landmark Bow 3 bay shelter with Real Time Information. Further the Section 106 Agreement required highways work to be undertaken, namely the widening and resurfacing of the footway, alterations to street lighting, drainage, road markings and signage. CS

policies KS9 and KS11 refer to the requirement for improvements to walking, cycling and bus routes and the expansion of Real Time Information at bus stops. These contributions appear to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to it in scale.

20. The £8,700 contribution towards the Dorset Heathlands Strategic Access, Management and Monitoring are required in order to safeguard the Dorset Heathlands SSSI, SAC, SPA and Ramsar. The guidance contained within the SPD refer to these contributions, which are necessary to make the development acceptable.
21. CS policy LN3 seeks a minimum of 40 per cent of the units to be affordable housing. An independent viability assessment accompanied the scheme which detailed that it was not viable to provide affordable housing and no surplus was available for any affordable housing. In order to deal with any potential change in circumstances the Council have requested a review mechanism form part of the Section 106 Agreement to require a new viability assessment be undertaken if the development is not commenced within 18 months or, if it has commenced, not completed within 5.5 years. As currently no affordable housing is proposed, in these circumstances I consider that this obligation would be fairly and reasonably related to the development proposed. In so doing it complies with the development plan requirements.

Other Matters

22. The submitted drawings and the comments made by the Highways Authority support the proposal. Whilst I acknowledge the concerns raised by local residents, in the absence of any cogent evidence to the contrary, subject to conditions and the Section 106 Agreement securing the provision of improvements to a nearby bus stop and improved public footpaths, the proposal would not have a harmful impact on pedestrian or highway safety.
23. Local residents have raised concerns regarding GP and school provision. I have not been provided with any substantive evidence regarding GP or school places, and no contribution has been requested. As such I have no evidence to conclude that the proposal would have a harmful impact on GP's or schools.
24. Regarding the living conditions of future occupiers, the proposed development would utilise obscure glazing and would maintain separation distances between nearby properties. Together these would ensure that there would be no harmful privacy issues regarding the proposed development. In terms of the height of the proposal, due to the separation distances and the set back of the top floor, the proposed development would not have a harmful impact on the outlook from nearby properties or gardens. Concerns have been raised in relation to noise and disturbance; however I am satisfied that subject to conditions restricting the use of commercial units and provision of bin stores along with a construction management plan that the living conditions of nearby residents would be safeguarded.
25. Due to its location, within a settlement, on a road with built form, and on a site that is currently developed, the proposed development would ultimately be viewed as part of a wider developed street scene. The appeal scheme would have a similar plot coverage to the existing development on site and, whilst the development would extend to four storeys, there are similar height developments in the wider area. As such it would preserve the character and appearance of the area.

Conditions

26. A list of conditions was provided within the Council's statement, and the appellant has had the opportunity to comment on these. Time limit and plans conditions are required in the interests of certainty. To safeguard European sites conditions relating to phosphate mitigation and drainage are necessary. In the interest of living conditions of nearby residents, a construction management plan should be provided. To protect living conditions of future residents, a condition restricting the use of commercial units and provision of bin store is required.
27. I consider that conditions regarding access, turning and parking, electric vehicle parking, visibility splays, the stopping up of access, and cycle parking are necessary in order to ensure a safe access, parking, and to promote the use of alternative methods of travelling. To ensure that any biodiversity enhancements are provided a condition is necessary to secure the provision of these details.
28. I have amended the wording of conditions in order to ensure compliance with the Planning Practice Guidance.

Conclusion

29. For the reasons given above the appeal should be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance and landscaping ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than [two] years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing nos: P001 Rev. F, P002 Rev. E, P003 Rev. E, P004 Rev. D, P005 Rev. F.
- 5) The development hereby permitted shall not be commenced unless proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been secured and submitted to and approved in writing by the Local Planning Authority. Such proposals must:
 - (i) Provide for mitigation in accordance with the River Avon SAC calculator, or for other mitigation which achieves a phosphorous neutral impact from the development;
 - (ii) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures. The development shall be carried out in accordance with and subject to the approved proposals.
- 6) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall:
 - (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (ii) include a timetable for its implementation; and,
 - (iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 7) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been

submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- (i) 24 hour emergency contact number;
 - (ii) Hours of operation;
 - (iii) Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - (iv) Routes for construction traffic;
 - (v) Locations for loading/unloading and storage of plant, waste and construction materials;
 - (vi) Method of preventing mud being carried onto the highway; Measures to protect vulnerable road users (cyclists and pedestrians)
 - (vii) Any necessary temporary traffic management measures;
 - (viii) Arrangements for turning vehicles;
 - (ix) Arrangements to receive abnormal loads or unusually large vehicles;
 - (x) Methods of communicating the Construction Management Plan/Construction Method Statement to staff, visitors and neighbouring residents and businesses.
- 8) No dwelling or building shall be occupied or utilised until the access, turning space, garaging and parking has been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be permanently maintained, kept free from obstruction and available for the purposes specified.
- 9) The Electric Vehicle Charging Points and associated infrastructure details indicated on the approved plans shall be implemented and brought into operation prior to the occupation of any residential unit hereby permitted or any commercial use hereby permitted commencing. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.
- 10) Before the development hereby permitted is occupied or utilised visibility splays must be provided at the access from a driver position of 2.4 metres and a stopping sight distance (SSD) of 43 metres in each direction along the carriageway. Thereafter the visibility splay area must be maintained and kept free from obstruction. All land within the area of any visibility splay must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway.
- 11) Before the development hereby permitted is occupied or utilised any areas of redundant existing highway vehicular crossing must be expunged and reinstated to full height kerbs as part of a specification which shall be submitted to and approved in writing by the Local Planning Authority.
- 12) Before the development hereby permitted is occupied or utilised the cycle parking facilities shown on the hereby approved plans shall be constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

- 13) The bin stores hereby approved shall be constructed in accordance with the approved details as illustrated on plan 0825-JCA-ZZ-00-DR-A-20 06001 Rev 04 prior to the occupation of the proposed development and shall be retained and maintained for that use thereafter.
- 14) No part of the development hereby permitted shall be constructed above damp proof course level unless details of biodiversity enhancements to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or otherwise brought into use unless the approved enhancements have been fully provided as approved and thereafter those enhancements shall at all times be retained and maintained.
- 15) The ground floor commercial units shall be used for purposes within Class E of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order) only and for no other purpose. Any food served within the ground floor commercial units shall be limited to that which does not require primary cooking or frying on the premises, unless a detailed scheme for extraction including specification for odour control and noise mitigation has been first submitted to and approved in writing by the Local Planning Authority, and then implemented on site.