



# Planning Committee

Application Address	Fairview House, 17 Hinton Road, Bournemouth, BH1 2EE
Proposal	Erection of 7 storey building comprising 40 flats with surface parking, cycle store and bin store and modification to vehicular access
Application Number	7-2020-9602-G
Applicant	Fortitudo Ltd
Agent	Chapman Lily Planning Ltd
Date Application Valid	21 April 2020
Decision Due Date	20 July 2020
Extension of Time date (if applicable)	20 January 2021
Ward	Bournemouth Central
Report Status	Public
Meeting Date	18 February 2021
<b>Recommendation</b>	<b>REFUSE</b>
Reason for Referral to Planning Committee	Contrary to 20+ letters of support
Case Officer	Peter Burridge

## **Description of Development**

- 1 Planning permission is sought for the 'Erection of 7 storey building comprising 40 flats with surface parking, cycle store and bin store and modification to vehicular access'.
- 2 Amended plans have been submitted in an effort to address the various concerns that have been raised. These encompass a variety of changes; notably removing the originally shown ground floor covered parking area that was originally proposed.
- 3 The applicant has provided the following information:

	Existing	Proposed
Site Area	0.13Ha	0.13Ha
Use	Office	Residential
Height (approx.)	Three storeys	21m (Seven storeys)
Width (approx.)	17.8m	20.8m
Depth (approx.)	19.8m	27.2m
Parking	Unallocated	5 spaces

## **Key Issues**

- 4 The main considerations involved with this application are:
  - Housing land supply;
  - Principle of proposed use;
  - Impact on character and appearance of the area;
  - Heritage;
  - Sustainable construction;
  - Trees;
  - Biodiversity;
  - Residential amenity;
  - Highway safety;
  - Waste and recycling;
  - Affordable housing.
- 5 These points will be discussed as well as other material considerations in the report below.

## **Planning Policies**

### **6 Core Strategy (2012)**

- CS1: NPPF – Presumption in Favour of Sustainable Development
- CS2: Sustainable Homes and Premises
- CS4: Surface Water Flooding
- CS5: Promoting a Healthy Community
- CS6: Delivering Sustainable Communities
- CS7: Bournemouth Town Centre
- CS14: Developing Transport Infrastructure
- CS15: Green Travel Plan and Transport Assessments
- CS16: Parking Standards
- CS17: Encouraging Greener Vehicle Technologies
- CS18: Increasing Opportunities for Cycling and Walking

CS21: Housing Distribution Across Bournemouth  
CS27: Protecting Unallocated Employment Sites  
CS33: Heathland  
CS35: Nature and Geological Conservation Interests  
CS38: Minimising Pollution  
CS39: Designated Heritage Assets  
CS40: Local Heritage Assets  
CS41: Design Quality

## **7 District Wide Local Plan (2002)**

3.20: Contaminated Land  
4.25: Landscaping  
6.10: Flatted Development

## **8 Town Centre Area Action Plan (2013)**

S1: Spatial Strategy  
D1: Presumption in favour of sustainable development  
D3: Character Areas (Core)  
D4: Design Quality  
D5: Tall Buildings  
T2: Walking and cycling  
T6: Highway improvement schemes  
T7: Parking strategy  
U2: Housing

## **9 Supplementary Planning Documents:**

Dorset Heathlands Planning Framework SPD 2015  
Residential Development: A Design Guide – PGN (2008)  
Town Centre Design Guide – SPD (2015)  
Sustainable Urban Drainage Systems (SUDS) - PGN  
Bournemouth Parking – SPD  
Affordable Housing - SPD

### **The National Planning Policy Framework (2019)**

10 Paragraph 11 sets out the presumption in favour of sustainable development. Plans and policies should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **Relevant Planning Applications and Appeals:**

- 11 7-2019-9602-F: Prior approval procedure - Demolition of office building - Permitted Development. Granted: 28 October 2020
- 12 7-1982-9602-C: Change of use of 1st & 2nd floor health studio with alterations and 3 storey additions to form offices on all three floors and provision of surface parking areas. Granted: 5 May 1982
- 13 7-1982-9602-B: Use of 1st & 2nd floor as offices. Granted: 5 April 1982
- 14 7-1979-9602-A: Use of second floor slimming clinic as residential accommodation. Granted: 14 January 1980
- 15 7-1975-9602: Use of second floor offices as slimming clinic and consulting rooms. Granted: 16 September 1975

### **Representations**

- 16 2 site notices were posted; one in front of the site on Hinton Road and also behind on Upper Hinton Road. These notices were dated 15 May 2020 and provided until 19 June 2020 for comments.
- 17 2 further site notices advertising amended plans were erected in the same positions on 10 August 2020 providing until the 28 August 2020 for comments.
- 18 2 additional site notices advertising further amended plans were placed in the same positions on 1 February with an expiry date of 16 February for comment.
- 17 No letters of objection have been received.
- 18 22 letters of support and 6 comments received (summary):
  - Will regenerate a road that has needed this type of scheme for many years;
  - Much needed inward investment and redevelopment;
  - Integral part of town's regeneration and modernisation;
  - Fantastic opportunity to increase availability of new homes to combat housing deficit;
  - Sensible brownfield development encouraged;
  - Existing building a neutral contributor and proposal seeks to replicate a positive contributor;
  - Supports Climate Emergency with no parking provision but car club spaces;
  - Provides more peak time parking which Bournemouth needs;
  - Highly likely that existing building will become unused;
  - Aesthetically pleasing green building proposed;
  - One writer states they have 'put my name down to move in;'
  - Carbon neutral homes.
- 19 Cllr Mike Greene (Ward Councillor) commenting on parking provision only stating that these comments '*should not indicate my support or opposition to any other elements of the scheme*'.

*'...This is an ideal location for car club bays which will benefit town-centre residents and others, and I would strongly urge that the proposal is accepted as a suitable alternative to general resident parking on-site...'*

20 Bournemouth Civic Society:

*'...In view of the general commercialisation of Hinton Road from the 1930's onwards, the Society is not entirely surprised by this application to construct a high density block of flats. However, we would suggest that in view of the gradual fall in the gradient of Hinton Road towards Gervis Road, one storey of the proposed structure should be removed. Indeed in order to protect the visual context of the Grade I Saint Peter's Church at the commencement of Hinton Road, the Society suggests that all future possible development proposals west of Fairview House should be gradually stepped down in height, so as to protect the prospective view of this famous landmark....'*

*'...We have therefore decided that since this proposal falls short of complying with the townscape policies of the Bournemouth Local Plan, it should be deferred for further discussion and improvement.'*

**Consultations**

21 Planning Policy Officer:

*'...planning applications which involve the loss of a B1 office use (either in current use or last used) are assessed against current adopted planning policies and we would normally expect the applicant to demonstrate that the tests of Policy CS27 can be met...'*

*'Table 8 of the Bournemouth Borough Summary (Strategic Housing Market Assessment 2015) shows the estimated dwelling requirement by number of bedrooms - market sector. This indicates that there is more need for 2 and 3 bedroomed market dwellings than 1 bed.'*

22 Urban Design Officer: mixed comments

*'The scale remains somewhat incongruous alongside the adjacent villa. The building would be close to the side boundaries, although the street scene shows there would be some breathing space...'*

*'...some flats would have restricted outlook due to obscure glazing and the projecting rear section of the building.'*

*'...I welcome the use of brick which relates well to the historic buildings nearby. However, I still feel that modern detailing might work better as the proposed elevational treatment echoing 23 Hinton Road would fall short in terms of materials, window proportions, floor to ceiling heights etc...'*

23 Conservation Officer: objection

*'...The revised plans...do not address the fundamental concern previously expressed over the scale and the resulting harmful impact upon the setting of the OCR (Old Christchurch Road) conservation area and adjacent non-designated heritage assets. At minimum the height of the building needs to be reduced to seek to reduce harm...'*

*'...The application site currently reflects the height of the period development to one side (3 storeys) and it is considered any redevelopment stepping up towards the modern development on the other side (4 storeys plus basement level) needs to pay some respect to the lower scale period development and it must certainly not be even higher than the adjacent development at no. 21. As previously suggested, at minimum two storeys needs to*

*be omitted to improve the relationship to the neighbouring buildings and avoid introducing a negative element into the setting of both designated and non-designated heritage assets...'*

*'The proposal remains unsupported in heritage terms...'*

24 Tree Officer: no objection subject to conditions

*'I... raise no objections to these proposals subject to a condition requiring compliance with the submitted arboricultural method statement and conditions for a soft landscaping scheme and a soft landscaping maintenance scheme.'*

25 Highway Officer: no objection subject to S106, S278 and conditions

*'The... amendments have satisfactorily addressed the LHA's concerns and subsequently overcome previous recommendations for refusal.... No highways objection subject to the applicant entering into an appropriate legal agreement and the imposition of conditions.'*

26 Environmental Health Officer: conditions required

*Planning conditions advised relating to noise in respect of insulation measures for new units, noise during demolition works, noise of heating, ventilation, and air conditioning equipment and an air quality assessment regarding demolition and construction works.'*

27 Waste and Recycling Officer: no objection subject to condition

*'The plan identifies Equinord Type H4 as the underground bin system, I am not aware that this provider has 53m modules. Further details will be required...'*

28 District Valuer:

*'...Our review shows that the policy compliant scheme is unviable and unable to provide any affordable housing with a scheme deficit whilst the all private scheme is only marginally viable with a small deficit but no affordable housing...'*

29 NHS: contribution requested

*'...The Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development...'*

30 Natural England: no objection subject to appropriate mitigation being secured

*'...It is up to your authority to secure the appropriate level of Heathland Infrastructure Project mitigation contribution reflective of the increase in dwellings through the adopted strategic solutions approach.'*

*It is up to the applicant to provide a Strategic Access Management and Monitoring contribution reflective of the increase in dwellings through the adopted strategic solutions approach...'*

31 Biodiversity Officer:

*'...agree with the outcome of PEA (Preliminary Ecological Survey) and the content of the BMEP (Biodiversity Mitigation and Enhancement Plan).'*

32 Bournemouth Police: no objection but with following comments:

- Site and close neighbours regularly targeted by criminals;
- Concerned that residential property could be a more attractive target;
- Site plan suggests a rear access from Upper Hinton Road into a bicycle store on the raised and quite secluded location. Sheds and outbuildings have been broken into, mainly looking for bicycles to steal. A long flight of steps is shown leading to an alcove door at the rear of the premises, this would need to be well lit to reduce a fear of being met along the way, and a good hiding place at the end;
- Undercroft parking can be vulnerable to rough sleepers, drug users and thieves and require remedial protective measures. CCTV advised.

### **Constraints**

33 Proximity of heritage assets

### **Planning Assessment**

#### **Site and Surroundings**

34 The application relates to a 3-storey office building fronting Hinton Road and adjoining Upper Hinton Road behind. The levels to the rear (Upper Hinton Road) are elevated some 8m above Hinton Road. The current layout includes a relatively level surface from Hinton Road to the frontage of the existing building with embankments rising to the rear of the building to the car park and rising again to Upper Hinton Road. The building appears a converted Victorian Villa or pair of semi-detached dwellings forming a well-proportioned front elevation with 3-storey bay windows to either side and a central front entrance.

35 The building is not listed or within a conservation area. However, it is located between two conservation areas comprising the Old Christchurch Road Conservation Area to the north west which includes the Keith Jones Christian Bookshop at 2 Hinton Road and The East Cliff Conservation Area to the south east. It is proposed to extend the Old Christchurch Road Conservation Area at some point in the future to include the application site and the existing building has been assessed as a neutral contributor in the emerging appraisal. Development here could have an impact on the setting of these conservation areas.

36 The application site is also within the setting of non-designated heritage assets which are identified by the Council's local list (of non-designated heritage assets). These comprise the Ice Rink at 29-36 Westover Road (Art Deco building of 1930 by notable local architects Seal & Hardy, built above Westover Garage and incorporating a 1920s warehouse extension at rear), the former Odeon Cinema at 37-51 Westover Road (Italianate style building of 1929 by cinema architect E. W. Trent in collaboration with notable local architects Seal & Hardy) and the Premier Inn Hotel, 47-52 Westover Road (Art Deco building of 1934 by notable local architects A. J. Seal & Partners).

37 The spire of the Grade I listed St. Peters Church can be seen from the application site to the north west. St. Peters Church comprises a designated heritage asset.

## The Proposal

- 38 The application seeks full planning permission for a 7-storey flatted block to provide 40 one- and two-bedroom flats. The development would form a split-level building, comprising a 7-storey development fronting Hinton Road with a 5-storey frontage facing the elevated Upper Hinton Road. The upper floor would be contained within a mansard roof. As submitted, the scheme provided on-site car parking at ground level, but this has been removed to address Officer concerns and a swimming pool, gym and cycle parking are now proposed. The subsequently adopted new Parking SPD has removed the need for car parking.
- 39 The Design and Access Statement advises that the proposed design draws on the character and the appearance of 23 Hinton Road located some 25m to the east of the application site *'using red brick clad elevations with decorative quoin detailing and generous window openings under a slate mansard roof'*.
- 40 Prior Approval has been granted for demolition of the existing building (ref 7-2019-9602-F).

## **Key Issues**

### Housing land supply

- 41 Paragraph 59 of the NPPF advises that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. In this instance, BCP Council are only able to demonstrate a 2.9-year land supply as opposed to 5 years as required. This dictates that for the purposes of the NPPF only, the local plan is considered to be out of date. Paragraph 11d) of the NPPF sets out what this means for decision taking. Planning permission should be granted unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 42 Provision of this extra accommodation is afforded significant weight in the assessment of this planning application. However, further key issues identified at paragraph 4 also carry weight and comprise material planning considerations which must also be assessed having regard to the provisions of the NPPF as a whole and the need remains to assess the proposal having regard to adopted planning policy and guidance. The 'tilted balance' at paragraph d)ii of the NPPF only applies if paragraph 11d)i is not triggered by the proposal.

### Principle of proposed use

- 43 The application form states that use of the building is as an office and the site is not vacant but the response to question 18 on the application form states that there are no existing employees. Nevertheless, the site lawful use is as office accommodation.
- 44 Policy CS27 applies which protects existing unallocated employment sites. This only permits development resulting in the loss of premises used or last used within Use Classes B1, B2 or B8 if it meets certain criteria. As such, the applicant would need to demonstrate that either the:
- The current use causes environmental problems; or
  - The location of the premises is no longer suitable for employment use.
- (The Use Classes Order was amended on 1 September 2020 with a new Use Class created comprising Class E that now includes office accommodation. However, secondary legislation

requires that planning applications submitted before this time be assessed having regard to the Use Classes Order of 31 August 2020.)

- 45 The application is for a non-employment use thus the final criterion of the policy needs to be met, which requires a minimum of 12 months marketing and evidence to support why an employment use is not forthcoming. The applicant has indicated that they could pursue a conversion of the existing building into a residential use through the Prior Approval process, but that this would not make the most efficient use of the site. (Class O – ‘offices to dwelling houses’ allows consideration of transport and highway impacts, contamination, flooding and the provision of adequate natural light in all habitable rooms). This may be the case but planning applications which involve the loss of a B1 office use (either in current use or last used) are assessed against adopted planning policies thus the applicant is required to show that the tests of CS27 can be met. The applicant has provided no information on the current use of the office, why the use is ceasing and where it is relocating if that is the case. An internet search reveals that the offices were advertised to let in the past, but the listing was removed. No evidence has been provided on the results of the previous marketing and how long it was undertaken for thus the proposal is contrary to planning policy CS27.
- 46 In reply, the agent highlights that the policies set out in the Core Strategy were adopted in 2014 and the underpinning evidence base precedes this. Planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise thus there is discretion to depart from planning policies. The application sets out the material considerations, such as the levels of vacancy and previous market interest whilst permission has already been granted for its demolition. The agent also draws attention to the changes in working practices, accelerated by Covid, that are considered to reduce the need for offices. It is also reasoned that an office use would be entirely compatible with neighbouring uses whilst attention is drawn to the redevelopment of offices at Wootton Gardens, where the loss of offices was not considered prejudicial to a housing scheme.
- 47 In considering this issue, the NPPF advises that there are three overarching objectives to achieving sustainable development comprising an economic objective, a social objective and an environmental objective which are interdependent and need to be supported in a mutually supportive way. The economic role reflects the need to help build a strong, responsive and competitive economy ensuring that sufficient land of the right types is available in the right places to support growth, innovation and improved productivity. The site is suitable for a business use highlighted by the office use currently on site. There would be no objection to a residential use in principle if it were demonstrated that the application site is no longer required for business purposes; as set out by policy CS27. (Demolition of the existing building was agreed through the Prior Approval procedure where only the method of demolition and the proposed restoration of the site can be considered.)

#### Heritage (Designated heritage assets)

- 48 The application site is in a slightly sensitive location close to two conservation areas; the site itself does not fall within a conservation area but it is proposed to be brought into the Old Christchurch Road Conservation Area and has been identified in the emerging appraisal as a neutral contributor. Development on the application site has the potential to affect the setting of these conservation areas given their proximity.
- 49 St. Peters Church spire is also visible from the application site. St. Peters Church is Grade I Listed. Development on the application site also has the potential to affect the setting of this designated heritage asset.

- 50 The Planning (Listed Buildings and Conservation Areas) Act 1990 (S66) in respect of listed building sets out the requirement to have special regard to the desirability of preserving the building or its setting. At paragraph 194, the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (including development within its setting) should require clear and convincing justification. This is reflected by policy CS39 which seeks to protect designated assets from proposals that would adversely affect their significance.
- 51 The existing building is a part of the early historic development of the area, but its character has been somewhat eroded by a number of unsympathetic alterations. The building is a part of a small cluster of the last of the late Victorian properties on Hinton Road, but is adjacent to the later Interwar development which characteristics the majority of Hinton Road. Replicating the design of 23 Hinton Road (an Interwar building identified as a positive contributor in the emerging appraisal) for a larger building could be acceptable provided the scale, massing and appearance are appropriate.
- 52 In this instance, as identified below, the proposal is overscale, would dominate its setting and would be out of keeping with the street scene that scales down towards the Old Christchurch Road conservation area; the dominant presence of the building in this context would be harmful. In respect of the slightly further away East Cliff conservation area and St. Peter's Church, the impact would be slightly less. The effect on all these designated heritage assets would be less than substantial having regard to paragraph 196 of the NPPF which states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits including, as appropriate, securing its optimum viable use. However, paragraph 193 of the NPPF also states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'* Further, paragraph 200 states that Local Planning Authorities should look for opportunities for new development within the setting of heritage assets to better reveal their significance. Proposals that preserve those elements of the setting that makes a positive contribution to the asset should be treated favourably.
- 53 The benefits of the scheme are acknowledged having regard to the additional housing that would be provided and also the short-term construction jobs (albeit with an employment use lost). It is also acknowledged that this is a sustainable location within a built-up area. However, the harm associated with the proposal as a result of its excessive size and dominate appearance would not outweigh the harm caused that would introduce a negative contributor into the setting of these designated heritage assets. (In this regard, it is further noted that the benefits are more modest having regard to the additional number of units that might included over and above a building of an acceptable size.) The NPPF affords great weight to the protection of heritage assets and therefore, having regard to paragraph 11d)i, there is a clear reason for refusing permission thus the tilted balance is not triggered. In so doing, the proposal would also fail to satisfy the relevant provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CS39.

#### Heritage (Non-designated heritage assets)

- 54 The application site is located opposite two non-designated heritage assets comprising the locally listed Ice Rink building at 29-36 Westover Road and the former Odeon Cinema at 37-51 Westover Road. The locally listed Premier Inn Hotel, 47-52 Westover Road is west of the application site comprising a further non-designated heritage asset.

- 55 Paragraph 197 of the NPPF advises that where applications which directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. At a local level, policy CS40 details that the Local Planning Authority will seek to protect local heritage assets by only supporting development which sustains or enhances the significance of heritage assets. Where a proposal for alteration, extension or demolition is likely to affect a local heritage asset or its setting, the developer will be required to submit an assessment of that asset and indicate the impact of the proposal on that asset. A heritage statement has been submitted although the conservation officer notes that it is partly a copy of the Design and Access Statement and includes 'lots of unnecessary information'.
- 56 As noted, the scale of the proposed development is excessive, and the building would be unduly dominant in the street scene. The scale of buildings along Hinton Road slightly increases moving from the older properties into the later development. The application site lies to the edge of the older lower scaled properties and the existing building is a domestic scaled villa which lies next to an equally modest scaled property. The resultant building is overscale in relation to the buildings either side and immediately opposite comprising the non-designated heritage assets. This would be harmful to the setting of these non-designated heritage assets which reflect the general scaling down of development to this side of Hinton Road. This adds to the harm identified above highlighting that the more limited merits of the proposal associated with the extra units of accommodation on the upper floor(s) to be outweighed by the associated harm. In so doing, the proposal would fail to comply with policy CS40.
- 57 It is noted that approval in principle was granted in respect of 37-41 Westover Road with the plans showing additional floors to this building. However, this still reflects the scaling down of development as outlined above.

#### Impact on character and appearance of the area

- 58 On issues of massing and scale, as noted, the development is oversized. It would extend to within close proximity of both side boundaries and combined with its 7-storey height, would dominate its site. In so doing, it would be out of keeping with the pattern of development in the street scene whereby the scale of buildings along Hinton Road slightly increases moving from the older properties at the western end, into the later development (which is well illustrated by the street scene provided). The site lies close to the edge of the older lower scaled properties and the existing building forms a domestic scaled villa which lies next to an equally modest scaled property. Replacing the existing building with a flatted block 4 storeys taller would be at odds with the street scene at this point as highlighted by the 3D visuals. Its height is raised as a concern by both the Conservation Officer (as noted) and Urban Design Officer and reflected in the Bournemouth Civic Society comments. Whilst it is agreed that there is scope to increase the size of the existing building, the plans should be scaled down to reflect the pattern of development along Hinton Road.
- 59 The agent does not agree stating '*Our client acknowledges that there is a transition in height along Hinton Road, but this is abrupt rather than gradual and the height and bulk of the proposed building closely resembles those to the east*'. The agent also states that he is '*somewhat perplexed to the Council's stance on height*'; BCP Council do not wish to expand outwards, so will be reliant on higher densities particularly in sustainable locations. The typical life of a development is 80-120 years or more, so opportunities need to be realised now. The Government is encouraging through 'right to rise' (permitted development) taller buildings (albeit not applicable in this case) and without a step change, the housing land supply deficit will not be resolved in Bournemouth.

- 60 Further, it is highlighted that the application is accompanied by a tall buildings assessment which outlines the steeply rising topography across the site, and which is considered to afford an opportunity for a tall building without any significant impact on the skyline. The permission in principle for an 8-storey building on the former Odeon site is referenced whilst it is advised that to lower the height of the building would make it unviable.
- 61 There are clearly merits to this scheme given that it would provide extra housing that would contribute to Bournemouth's housing supply and short-term construction jobs and as noted, there is considered scope to increase the height of the existing building. The Conservation Officer suggests a minimum reduction in height of 2-storeys whilst the Urban Design Officer suggest a minimum 1-storey height reduction both of which would reduce the height to below the neighbouring 21 Hinton Road; this would be more in keeping with the pattern of development and associated level change along Hinton Road. Overall, it is adjudged that a building of the height shown, would fail to respect the pattern of existing development, would be visually dominant, somewhat jarring and incongruous and would have a poor relationship with the more domestically scaled historic development to the north west. For these reasons, the development would be contrary to policies D4, D5, CS41 and 6.10. It is considered that the many of the benefits outlined by the agent could still be realised though a smaller building and thus the harm associated with the more limited benefits of the additional units in the upper floor would not outweigh the harm which has been identified. Further, a reduction in the width of the building to provide more breathing space and step it in from the side boundaries might not dictate a reduction in unit numbers given the size of some of the units. No specific details have been provided to demonstrate that such changes would be unviable.
- 62 As noted, the appearance of the building would reflect 23 Hinton Road albeit the Design and Access Statement notes that the immediate context exhibits a range of built forms reflecting the location's individual villa origins as well as subsequent re-developments to provide larger commercial and office buildings. Amendments to the design of the building have been made to address Officer concerns notably removing the ground floor carpark. On this issue, as submitted, the site would have been dominated by parking including front and rear parking areas and the resulting appearance of the ground floor would not have been in keeping with the character and the appearance of Hinton Road. The car park has been replaced by a residents swimming pool, gym and cycle store to provide an 'active ground floor' whilst a front entrance has also been introduced. On these issues, the agent advises '*... our client recognises that the position of the entrance at the back of the under-croft car park would not be legible and would indeed feel unwelcoming. It is also accepted that the large vehicular entrance at the centre of the building would detract from the street scene... we have sought to instate an active frontage and an attractive legible frontage*'.
- 63 The changes have made improvements to the appearance of the building and reflect Officer concerns that have been raised with for example, larger balconies, the 'active' ground floor and a double door central entrance to the front facing the road; the use of brick is also a welcome feature. However, there are some concerns as to whether this is the right design approach as the proportions, detailing and materials are likely to fall short of the historic building. The agent is confident that the right materials and detailing would be employed but the introduction of further elements that are not a feature of this building such as the grandiose pillars, balconies and arched windows means that a modern interpretation might work better. Notwithstanding these concerns, overall, it is considered that it would be difficult to substantiate any associated objection to the general design approach; this would be subject to planning conditions relating to all facing materials and design detailing in the event that planning permission were granted.

- 64 Concerns have been raised that the frontage area would also benefit from the introduction of further greenery to soften the hard standing. This has been improved by the amended plans and block paving introduced that would help enhance the appearance of the development. Provision of an underground bin store is welcomed although it is slightly unclear what would be visible of these above ground; particularly relevant given the prominent siting of the bin store at the front of the application site. Overall, these aspects of the proposal are considered to be acceptable compliant with policies D4, D5 and 6.10 although associated conditions would be attached if planning permission were granted (e.g. regarding proposed planting).

### Sustainable Construction

- 65 As a major development in the town centre, the proposal should seek to meet (or exceed) those requirements set out by CS2, the Town Centre Development Design Guide and the Residential Design in terms of the careful use of natural resources. Policy CS2 requires at least 10% of the energy to be used in developments of more than 10 dwellings to come from decentralised and renewable or low carbon sources. In view of the declaration of a climate emergency and the government announcement that all new homes must use heating and hot water systems free from fossil fuels by 2025, the applicant has been urged to commit to in excess of CS2 requirements. It is also suggested that the applicant consider incorporating solar PV tiles/ panels and ground source heat pumps. Good use should be made of any flat roof space for sedum, solar PV or amenity space.
- 66 The agent has confirmed that the applicant would be happy to accept a condition requiring that 10% of the energy to be used in the development should come from decentralised, renewable or low carbon sources. On this basis, it is considered that the proposal would satisfy the relevant provisions of the NPPF and planning policy CS2. It is advised that comments regarding solar PV have been noted.

### Trees

- 67 The application is supported by an arboricultural report. Trees on the site are not protected but the Council's Tree Officer notes that these trees are important and indeed have added importance due to their town centre location where tree coverage is more limited. However, trees along the western site boundary were removed prior to the submission of the planning application. The application is supported by arboricultural report and supporting tree details.
- 68 In response, the Council's Tree Officer has raised no associated objections to the application subject to conditions requiring compliance with the submitted arboricultural method statement and requiring a scheme of soft landscaping and scheme of soft landscape maintenance. On the basis that these matters could be appropriately conditioned if permission were granted, it is not considered necessary to add this as a refusal reason(s). In this way, the proposal would accord with the relevant provisions of the NPPF and policy 4.25.

### Biodiversity

- 69 The application is supported by a Biodiversity Mitigation and Enhancement Plan and an Extended Phase I Habitat Survey. In summary, no protected species, or potential for protected species were recorded. There is an area of overgrown wasteland behind the existing building that would be removed to accommodate part of the development. There are some trees and shrubs on site that provide habitat for nesting birds. The Council's Biodiversity Officer agrees with these findings and no objections are raised or planning conditions suggested. On this basis, the proposal is considered to accord with the relevant provision of the NPPF and policy CS35.

### Residential Amenity (future occupiers)

- 70 The application would provide 40 units of accommodation comprising 2 two-bed units and 38 one-bed units. Policy CS21 is relevant as it states that proposals for residential development will be expected to reflect the housing size demands of the Borough, as identified in the Strategic Housing Market Assessment (2015). Table 8 of the Bournemouth Borough Summary shows the estimated dwelling requirement by number of bedrooms - market sector. This indicates that there is more need for 2 and 3 bed market dwellings than 1 bed units. In this regard, the proposal would fail to reflect housing demand and in so doing would fail to ensure a positive contribution to achieving a sustainable community contrary to CS21. On this issue, the agent writes that the mix is deliberately biased towards smaller units targeted towards first time buyers and those looking to downsize or take advantage of the town centre location which is considered to dictate individuals and couples.
- 71 The Governments Technical Housing Standards provide a useful benchmark as to the size of accommodation proposed comprising a minimum of 37 square metres for a 1-person 1-bed unit and 61 square metres for a 3-person 2-bed unit. All of the units would accord with this standard with some units marginally above and other units nearing double the size. On the latter, it is noted that some of the 1-bed units include a study, but this is not shown as a second bedroom. This could be because they are side facing rooms with windows very close to the boundary where there would be issues of inter-visibility. However, the agent writes that given the acceleration in home working, home offices have been provided which also provides diversification in the product range and prices. The applicant also considers there to be no market for three-bed units in the town centre, without discounting and an adverse impact upon viability. The sustainable location is reasoned to lend itself to predominantly one-bed accommodation.
- 72 The units at the front of the building would provide a good outlook for residents that has been improved by provision of larger balconies. However, flats to the rear would be less fortunate being north-east facing and with those near the bottom having views towards the treed bank. Side facing windows to some of these units are also shown to be obscure at the bottom which would further compromise light and outlook. Future residents of these units would suffer a relatively poor standard of amenity in these circumstances contrary to policies D4, CS21, CS41 and 6.10 that seek to provide a high standard of amenity for occupants.
- 73 The more limited green areas would be unusable due to their topography and small size and in this regard, if the scale of the development were reduced this could create a more usable outdoor amenity area. Residents would however benefit from the swimming pool and gym at ground floor and be close to the central gardens so it would be hard to sustain an associated objection solely on this basis.
- 74 The agent highlights that the terrace parking would be replaced by soft landscaping and stating that there is a clear break between the proposed rear elevation and the canopy of the retained boundary trees. The proposed site plan is somewhat misleading given that the rear part of the building is not fully shown. These considerations are noted but are not adjudged to overcome the concerns that have been raised. Overall, as noted above, the proposal would fail to ensure that all new residents would benefit from a good standard of amenity as required by policies D4, CS21, CS41 and 6.10.

### Residential Amenity (neighbouring occupiers)

- 75 There are a number of neighbouring occupiers who could be impact by the development:

Hinton House:

- 76 Hinton House stands to the north west of the application site comprising a 3-storey Victorian villa of domestic scale. It is inset from its respective flank boundary with associated parking to this side but there appear principle windows to this side of the building including a 2-storey bay. This building is understood to be occupied as a solicitor's office and therefore is not in use as residential accommodation. It is not considered that any significant adverse impact in residential amenity would be caused thus satisfying policies D4, CS21, CS41 and 6.10. The aforementioned part obscured windows of the proposal would also help to restrict views in this direction.

Kingsland House:

- 77 This building comprises a 5-storey office development with appears to date to the late 1980s/ early 1990s. There is already a relationship of mutual overlooking between the host building and this adjoining premises with both buildings containing a significant number of side facing windows (albeit comprising office accommodation).
- 78 Prior Approval was granted (7-2019-2533-Y) for the change of use of this building into 30 residential flats last year and the floor plans show that the sole outlook of some of these units would be towards the application site. The applicant has sought to mitigate this impact through provision of the part obscure glazed windows and through the site layout with the main outlook towards the front and the rear. The agent writes *'The bedroom to units 9, 15, 22, and 29 have sole aspect but would be partially glazed. The same is true for units 36 and 37 but their top floor position negates intervisibility. With respect to outlook for future occupants of both the consented units and proposed scheme, I believe that a tight urban grain is to be expected in the heart of the town centre and that the limited intervisibility relationship would be acceptable.'* However, the size of the new building dictates that it would stand closer to the flank boundary closing up the spacing (and light) to neighbouring occupiers. This relationship would be considerably improved if the size of the proposal were reduced. Therefore, whilst acknowledging this is a town centre location where separation distances might reasonably be less than in a residential area, the proposal in its current form is not considered to accord D4, CS41 and 6.10 which seek to safeguard the residential amenities of neighbouring occupiers.

Opposite:

- 79 Buildings opposite typically face onto Westover Road thus the view opposite the application site is characterised by the rear of buildings. The separation distance would be in excess of 10m as required by the Councils Residential Development Design Guide and there are no associated objections with the proposal considered to accord with D4, CS41 and 6.10 in this respect.

Behind:

- 80 The topography rises to the rear mitigating the height impact of the proposal and there are no neighbouring premises in this direction.

## Highway Safety

- 81 The application site fronts Hinton Road, a classified road to the south and is bounded by Upper Hinton Road to the north. The site is located within a highly accessible location requiring only a short walk to Bournemouth town centre.
- 82 On-street, time restricted parking in the form of 'Pay and Display' is available along Hinton Road (Mon-Sat: 9am-8pm & Sun: 10am-8pm, 2 hours) within the vicinity of the site whilst most of Upper Hinton Road is subject to double yellow line restrictions, the only exception being a 4 car parking bay to the northwest of the site. This is also time restricted (Mon-Sat: 8am-8pm, 2 hours) and subject to a 'Pay and Display' arrangement.
- 83 The site is currently accessed from Hinton Road and Upper Hinton Road with the latter being retained for pedestrian and cyclist access only.
- 84 The applicant has submitted revised plans to overcome objections raised by the Local Highway Authority. On the issue of car parking, 4 car club spaces are now proposed all with electric charging points and 1 operational parking space which complies with the BCP Parking Standards SPD (2021). The size of the parking and turning areas comply with section 3 – *Layout and Design Guidance* of the Parking SPD. It is noted that the two spaces nearest the building have an effective width of 3.6m for disabled users. There is also scope to widen other spaces in the future should this be required.
- 85 If permission is granted, the Local Highway Authority have requested a highway contribution towards the car club spaces. The Car Club operator in Bournemouth, Co Wheels, advises that the cost per vehicle is £9,360pa. Three years would be £28,080 per vehicle and so four vehicles would a total of £112,320. This highway contribution would need to be secured by a S106 agreement. The highways contribution would be index linked from the date of decision.
- 86 Regarding cycle parking, 44 cycle spaces are proposed, comprising of 40 residential spaces and 4 visitor spaces thereby satisfying the requirement outlined within the Parking SPD. The inclusion of two integral cycle stores for the residential spaces, within the ground floor of the development, is considered to be a significant improvement upon the previous proposal and offers all residents convenient access to Hinton Road. The layout of said stores complies with section 3 – *Layout and Design Guidance* of the Parking SPD. External stands for visitor parking are considered to be adequate.
- 87 In addition, the Hinton Road footway fronting the site is to be widened to 2m, as annotated by the pink hatching on the submitted Site Plan. This is welcomed by the Local Highway Authority and is acceptable. It would be necessary for the applicant to enter into a S278 agreement to secure these works comprising construction of a new 2m wide footway including re-kerbing, dedication of the land in pink on the plans submitted, construction of a new vehicular crossover onto Hinton Road, reinstatement of the existing vehicular crossover and alterations to highway drainage as necessary.
- 88 The above amendments have satisfactorily addressed the Local Highway Authority concerns and subsequently overcome their previous recommendations for refusal. This is subject to the aforementioned S106 and S278 agreements and planning conditions recommended by the Local Highway Authority. On this basis, the proposal is considered to accord with the provisions of the NPPF and associated local plan policy having regard to issues of highway safety. In the event that the application is refused, it would be necessary to add the lack of legal agreement to the refusal reason. This could be overcome if the applicant entered into

such agreements if planning permission were granted and the applicant has confirmed that they would be willing to do this.

### Waste and Recycling

- 89 The Waste Collection Authority advise the application meets their requirements. A waste management plan is required but given that this could form the basis of a suitably worded condition if planning permission were granted, it is not considered necessary to add this as a refusal reason. On this basis, the proposal would accord with policy CS38.

### Noise

- 90 The Environmental Health Officer has raised no objection but requests conditions relating to an acoustic report regarding the existing noise climate, a construction management plan given concerns over noise during demolition and construction, details regarding the noise of the heating, ventilation and air conditioning equipment and an air quality assessment. On this basis the proposal is considered to accord with policy CS38.

### Affordable Housing

- 91 Policy AH1 of the Affordable Housing DPD seeks to secure the delivery of affordable housing from general market housing schemes. This applies to major developments of 10 or more units, so the policy applies to this application. Provision of an appropriate affordable housing contribution is a significant benefit to a scheme and carries significant weight where provided.
- 92 Notwithstanding the above, this application would make no affordable housing contribution. Instead, the application is supported by a Viability Assessment which has been assessed by the District Valuer. In order to provide the Council with a view of the viability of the scheme, the District Valuer has undertaken their own research of market values in this location and of construction costs adjusted for this location. Their review shows that the policy compliant scheme is unviable and unable to provide any affordable housing with a scheme deficit whilst the all private scheme is only marginally viable with a small deficit but no affordable housing. On this basis, whilst there is no associated objection to the scheme having regard to the provisions of AH1 and the Affordable Housing DPD, the proposal fails to provide the benefits associated with an affordable housing contribution.

### Further S106 Contributions

- 93 The Royal Bournemouth and Christchurch Hospital NHS Trust has made representations seeking financial contributions in respect of the impacts they contend arise from the proposal. These representations constitute material considerations in principle. However, such contributions may only be required if they meet all legal/ policy tests relevant to seeking such contributions. In order for the Council to require the applicant to enter into a section 106 obligation to make such payments, the contributions must meet the requirements of Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as amended) which are also reflected in government policy in the NPPF at paragraph 56 and the NPPG. Regulation 122 (2) provides that: A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is— (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. Having carefully reviewed the consultation responses provided by the Trust, officers do not consider that information provided demonstrates that the need for the contributions has been clearly justified or evidenced as being directly related to the development or fairly and reasonably

related in scale and kind to the development. It cannot be concluded that it is necessary to make the development acceptable in planning terms.

### Community Infrastructure Levy

- 94 The application would not be subject to a CIL contribution given its town centre location.

### Heathland Mitigation

- 95 The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 1994. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI.
- 96 Therefore as of 17<sup>th</sup> January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures towards the designated sites. A signed legal agreement would be required to secure this contribution but has not been progressed in view of the recommendation to refuse.

### Summary

- 97 The application seeks to replace a 3-storey office building with a 7-storey residential building. Insufficient justification for loss of the existing employment use has been provided and the massing and scale of the proposal are excessive and harmful and would have a harmful impact on the setting of designated and non-designated heritage assets. The proposal would also have adverse impacts on residential amenity.

### Planning Balance

- 98 BCP Council is unable to demonstrate a 5 year land supply thus the benefits of the proposal found in the new units of accommodation carries significant weight in the assessment of this scheme. Short term construction jobs would also be provided. However, the proposal would result in adverse impacts inclusive of its harmful impact on the setting of designated and non-designated heritage assets and to the character and the appearance of the area. Harm has also been identified having regard to issues of residential amenity and through the unjustified loss of the existing employment use. This is contrary to planning policy and guidance and provides a clear reason for refusing the development having regard to the provisions of the NPPF as a whole (paragraph 11d)i applies). This harm is adjudged to outweigh the merits of the proposal. The tilted balance does not apply with paragraph 11d)ii not triggered.
- 99 Therefore, having considered the appropriate development plan policies and other material considerations, including the NPPF, it is not considered that development would be in accordance with the Development Plan, and it would materially harm the character and the appearance of the area, have a harmful impact on the setting of designated and non-designated heritage assets and the amenities of neighbouring and proposed occupiers and would be unacceptable in terms of highway safety. The Development Plan Policies considered in reaching this decision are set out above.

## **Recommendation**

100 **REFUSE** permission for the following reasons:

- 1. Loss of Employment Use**
- 2. Height, massing, scale**
- 3. Setting of heritage assets**
- 4. Residential Amenity**
- 5. Lack of unit mix**
- 6. Highway Safety - legal agreements**
- 7. Heathlands**
- 8. NPPF, CS16, CS18, CS21, CS33, CS39, CS40, CS41, D4, D5, 4.10, 6.10, Residential Design Guide**

The application fails to adequately demonstrate that the application site is no longer suitable for employment purposes. The application is therefore contrary to NPPF chapters 6 and 7 and policy CS27 of the Bournemouth Local Plan Core Strategy (Adopted October 2012).

By reason of its height, massing and scale, the development would appear a dominant and overbearing addition to the Hinton Road street scene that would fail to reflect or respond to the existing pattern and size of development along Hinton Road characterised by a scaling down of buildings towards the domestic sized villas in and adjoining the Old Christchurch Road Conservation Area. Accordingly, the proposal would be harmful to the character and the appearance of the area and would fail to preserve the setting of adjacent designated and non-designated heritage assets and would fail to enhance or better reveal their significance. The proposal is therefore contrary to the provisions of the NPPF chapters 12 and 16, policies CS21, CS39, CS40 and CS41 of the Bournemouth Local Plan Core Strategy (Adopted October 2012), policies D4 and D5 of the Bournemouth Local Plan Town Centre Area Action Plan (Adopted March 2013), policy 6.10 of the Bournemouth District Wide Local Plan (Adopted February 2009) and the Residential Development: A Design Guide (Adopted September 2008).

The proposal would fail to provide a high standard of amenity for all residents by reason of the lack of outlook and orientation in respect of rear facing units and would fail to safeguard a high standard of amenity for neighbouring residents by reason of the massing, scale and position of the building close to the boundary and the inter-visibility proposed. The development would also fail to ensure a positive contribution to sustainable communities by reason of the number of one bedroom units. The proposal would therefore be contrary to the provisions of the NPPF chapters 8 and 12, policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy (Adopted October 2012), policies D4 and D5 of the Bournemouth Local Plan Town Centre Area Action Plan (Adopted March 2013), policy 6.10 of the Bournemouth District Wide Local Plan (Adopted February 2009) and the Residential Development: A Design Guide (Adopted September 2008).

The proposal would be harmful to the Council's strategic objective of facilitating and increasing levels of walking in the borough and promoting sustainable travel by reason of the failure to secure appropriate mitigation. The development is therefore contrary to Policies CS16, CS18 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012) and the provisions of the NPPF including chapter 9.

Furthermore, it is considered that the proposal would be harmful to designated Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). The failure to make an appropriate contribution towards mitigation

measures would have an adverse effect on the integrity of the sites and is considered contrary to Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012) as well as the provisions of the Dorset Heathlands Planning Framework SPD.

### **9. Informative Note: Refusals**

INFORMATIVE NOTE: For the avoidance of doubt the decision on the application hereby determined was made having regard to the following plans:

Site Location and Block Plans; drg no. 9273/100 Rev L  
Proposed Floor Plans 1 of 2; drg no; 9273/101 Rev H  
Proposed Floor Plans 2 of 2; drg no. 9273/102 Rev C  
Proposed Elevations; drg no. 9273/103 Rev E  
Street Scene and Site Sections; drg no. 104 Rev E  
Drainage Plan; drg no. 9273/106 Rev F  
Area Calculations; drg no. 9273/107 Rev H

### **10. Statement required by National Planning Policy Framework (REFUSALS)**

In accordance with paragraph 38 of the revised NPPF the Council, as Local Planning Authority, takes a positive 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 applicant did not enter pre-application discussions but was offered the opportunity to submit amended plans to overcome problems identified which have been considered as part of this application.