

Planning Committee

Application Address	Liston Hotel, Wollstonecraft Road, Bournemouth, BH5 1JQ
Proposal	Outline submission for demolition of existing building and the erection of a block of 24 flats with associated access and parking
Application Number	7-2020-8500-R
Applicant	Lauder Property Ltd & Dorset Homes Ltd
Agent	Anders Roberts & Assoc
Date Application Valid	30 January 2020
Decision Due Date	29 April 2020
Extension of Time date (if applicable)	
Ward	Boscombe West
Report Status	Public
Meeting Date	18 March 2021
Recommendation	REFUSE
Reason for Referral to Planning Committee	<p>Cllr Kelly:</p> <p><i>'The substantial hotel building which currently stands on this site is rather dilapidated and has not been modernised or updated for a long time. The owners wish to retire and have been given permission by the Tourism officers to relinquish the use for hospitality, demolish the hotel and allow new development. The application was first made over a year ago, the applicant has tried to comply with the requirements asked of them, but it is still not determined.</i></p> <p><i>The proposed block of flats would completely change the look of this prominent corner, refresh it and will be a very positive change.</i></p> <p><i>The proposal which has been reduced in size and changed position from the original application, is supported by the Boscombe and Pokesdown Neighbourhood Plan Forum as well as other local residents. It has also been supported by arboricultural and highways officers.</i></p>

	<p><i>The proposal provides for good quality accommodation of a good size and will constitute sustainable development within easy reach of local amenities.</i></p> <p><i>The character is complementary to other buildings in the vicinity and will sit very nicely within the available space, leaving trees and green space around it.</i></p> <p><i>This proposal will provide some very attractive apartment accommodation to assist with the BCP Council 5-year housing requirement and I therefore respectfully ask the Board to approve this development application.'</i></p>
Case Officer	Peter Burridge

Description of Development

- 1 Outline planning permission is sought for demolition of the Liston Hotel and the erection of a block of 24 flats with associated access and parking.
- 2 The matters for consideration at this stage comprise:
 - access - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site;
 - layout - includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development;
 - scale - includes information on the size of the development, including the height, width, and length of each proposed building.
- 3 The following do not fall to be considered at this stage:
 - appearance - aspects of a building or place which affect the way it looks, including the exterior of the development;
 - landscaping - the improvement or protection of the amenities of the site and the area and the surrounding area, this could include planting trees or hedges as a screen.
- 4 Notwithstanding the above, some detailed elevations have been provided and the applicant has confirmed that this is how the proposal would appear if built. These plans are therefore considered to provide a good representation of the development.
- 5 Amended plans form a part of the application in an attempt to address concerns raised by the Design Review Panel and Tree Officer. The plans introduced the following changes:
 - Building set back 1.65m from Wollstonecraft Road frontage to allow more space to trees;
 - Third floor set back 3.4m from boundary with 3 Wollstonecraft Road;
 - Fourth floor set back 4.1m from boundary with Wollstonecraft Road.
- 6 The applicant has provided the following information:

	Existing	Proposed
Site Area	0.21Ha	0.21Ha
Use	Hotel	Residential
Height	3 storeys	5 storeys
Depth (approx.)	33m	39m
Width (approx.)	24.5m	27m

Density	25 en-suite rooms	114 dph
Parking	8	29

Key Issues

- 7 The main considerations involved with this application are:
- Housing land supply;
 - Loss of hotel;
 - Heritage;
 - Impact on character and appearance of the area;
 - Trees;
 - Residential amenity (future occupiers);
 - Residential amenity (neighbouring occupiers);
 - Highway safety;
 - Waste and recycling;
 - Affordable housing.
- 8 These points will be discussed as well as other material considerations in the report below.

Planning Policies

9 Core Strategy (2012)

CS1: NPPF- Presumption in Favour of Sustainable Development
CS2: Sustainable Homes and Premises
CS4: Surface Water Flooding
CS6: Delivering Sustainable Communities
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
CS28: Tourist Accommodation
CS33: Heathlands
CS39: Designated Heritage Assets
CS41: Design Quality

10 District Wide Local Plan (2002)

3.25: Cliff Stability
4.25: Landscaping
6.10: Flatted Development

11 Pokesdown & Boscombe Neighbourhood Plan

BAP1: The scale and density of development
BAP2: Good design for the 21st Century
BAP6: The number and type of new homes
BAP7: The quality of new homes

12 Supplementary Planning Documents:

Dorset Heathlands Planning Framework SPD 2015
Residential Development: A Design Guide – PGN (2008)
Sustainable Urban Drainage Systems (SUDS) - PGN
Bournemouth Parking – SPD
Conservation Area Appraisal
Tourism Supplementary Planning Document (SPD)

The National Planning Policy Framework (2019)

- 13 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.
- 14 Paragraph 14 states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that all of the following apply:
- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a 3 year supply of deliverable housing sites (against its 5 year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.
- 15 It is noted that, in this instance, the following are noted:
- a) the Neighbourhood Plan was adopted on the 5 November 2019,
 - b) BAP6 states that 'Provision will be made for between 123 – 183 market dwellings per year'. This figure was arrived at from a methodology supplied by officers from the former Bournemouth Borough Council based on the evidence of housing requirement at that time (SHMA 2015 OAN and published Government Standard Methodology). As such, BAP6 is a policy which sets out a target to meet the identified housing requirement at the time the Neighbourhood Plan was examined. The plan also contains specific site allocations SA2, SA4, SA5, and SA6 and all the sites in BAP10. These go towards meeting the identified housing requirement, with the rest anticipated to be met by 'windfall sites'.
 - c) As at April 2019, there was a 2.9 year supply of housing;
 - d) The local planning authority was 75% as of 2020.

Accordingly, the criteria are met except criterion C.

Relevant Planning Applications and Appeals:

- 16 7-2008-8500-P: Alterations, extensions, formation of canopies, balconies and mansard roof to Hotel. Approved: 5 December 2008
- 17 7-2008-800-O: Crown thin and lift six Limes. Crown thin one Horse Chestnut. Approved: 22 August 2008

Representations

- 18 2 site notices were erected on 6 February with a consultation expiry date of 13 March 2020. These notices were erected in front of the application site on Boscombe Cliff Road and on Wollstonecraft Road. Further site notices were erected in the same positions on 26 February 2020 advertising that the site affects the setting of the Boscombe Manor Conservation Area.
- 19 2 extra site notices were posted on 5 March 2021 with a consultation expiry date of 12 March 2021 advertising amended plans. These had been submitted previously but the applicant has subsequently requested that these form the basis of the decision.
- 20 8 letters of objections received (summary) (original plans):

Size/ Appearance:

- Application states proposal is 10% larger than hotel but does not give this impression due to increased footprint, 2 extra floors and 'L' shaped footprint – dictates a significant increase in the volume of the building;
- Development extends too far to the south;
- Significantly different to existing building with 5 floors and no pitched roof;
- Out of keeping with the surrounding area due to size and height;
- Much larger footprint;
- Size of building and number of flats should be reduced;
- Proposed building not in keeping with Shelly legacy of the area;
- 24 flats represent a significant increase compared to the existing hotel use;
- Proposal retains very limited open space around the building;
- Underground car parking should be considered;
- Concerns re car parking – some owners may have more than 1 car;
- Wollstonecraft Road is congested.

Residential Amenity:

- Hotel accommodation focused views southwards away from neighbours with staff facilities and no balconies to the sides/ behind- proposal changes this and causes overlooking;
 - Proposal likely to have wrap around balconies compared to limited inset balconies of hotel;
 - Extended footprint towards Boscombe Cliff Road limits sunshine/ light to Cleasby Grange;
 - Footprint will have negative impact on health, wellbeing, and enjoyment of Cleasby Grange;
 - Reduction in solar gain to Cleasby Grange and increased use of artificial lighting;
 - Parking next to Holly Bush House and bungalow to the east would cause noise disturbance;
 - Height of development would restrict sunlight/ light to Holly Bush House;
 - Increased height will block light to neighbouring bungalow to the east;
 - Proposal will overlook neighbouring bungalow to the east;
 - Parking should be provided along the Wollstonecraft Road frontage and not behind.
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Loss of tourist accommodation:

- Without quality tourist accommodation, tourists will be forced elsewhere to the detriment of the area.

21 5 letters in support but with 2 letters also raising objections (summary below and above) (original plans):

- Unrealistic to believe existing hotel can keep operating;
- Surrounding area is residential;
- Proposal provides adequate car parking for number of rooms;
- Existing building is not in keeping with its surroundings;
- Hotel events will no longer disturb neighbouring residents;
- Well-designed apartments would add value to the area and make it more desirable;
- Proposal would move development away from Hollybush House restoring light;
- Hotel relies on coach parties and road is not suited to coaches.

22 Boscombe and Pokesdown Neighbourhood Plan Working Group (original plans):

'It is realised the room sizes are not to NP standards but in the circumstances, we consider this may be the best possible outcome. The working group also appreciated the chance to meet the developer and bring about this more constructive proposal.'

Consultations

23 Destination and Culture (Tourism) Officer: no objection

Whilst we do not object to change of use of this property, in accordance with section 9.1 of the Tourism SPD we would not support any change of use for this site into a House in Multiple Occupation (HMO) as this would not be compatible with the existing character of the area and is likely to cause harm to the wider function in relation to nearby tourism businesses.

24 Heritage Officer: objection

'...the building is still majorly overscale for this site – too high and too wide...'

25 Urban Design Officer: objection

'...The area north of Boscombe Cliff Road where the site is located has a domestic scale, characterised by two and three storey buildings. I do see scope for a reasonably dense development to mark the corner, especially as there are taller buildings on the opposite side of the road by the seafront, but I wonder if the proposed five storeys are excessive...'

26 Urban Design Review Panel: major concerns (original plans)

'...The key concerns of the Panel relate to the scale and layout of the proposals, with concern about the bulk, impact on trees, amount of parking and pedestrian access. The Panel also considered that the appearance could be more elegant and did not embody good quality art deco style design....'

27 Tree Officer: no objection

'...I now raise no objections to these proposals subject to the information being formed into a detailed arboricultural method statement for the site and I suggest that a soft landscaping scheme for the site is formed at this stage and submitted as well...'

28 Highways DC: no objection subject to the following conditions

- Amended plan in respect of car parking layout, width of cycle path access route, visitor parking, drainage channel and road markings;
- Specification details of parking and turning areas;
- Provision of pedestrian inter-visibility splay;
- Provision of cycle store.

29 Dorset Police:

'The existing hotel has had problems with intruders gaining access to the premises, and a residential block will be even more attractive. The gate from the Overcliff into the garden allows access both to the front and rear of the property. I would encourage a barrier to restrict movement around the cycle store corner. I also consider that a large communal car park with no access control, and limited natural surveillance and lighting, may attract antisocial behaviour, and may not be considered a safe and inviting place by residents. I would like to see some lighting provision to alleviate that.'

30 Cliff Stability Engineer:

'The distance of the proposed development is in the order of 110m from the adjacent cliff frontage therefore the risk of instability is considered very low – consequently we do not think a stability report is required.'

31 NHS:

*'...S106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount **£33,158.00** sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document...'*

32 District Value:

'The assessment undertaken by Tangent concludes that... there is no scope for any additional section 106 contributions including affordable housing and the project is only deliverable on the basis of a reduced profit margin...'

Constraints

33 TPO's and affects setting of Boscombe Manor Conservation Area

Planning Assessment

Site and Surroundings

- 34 The application relates to the 3-storey Liston Hotel on the corner of Wollstonecraft Road and Boscombe Cliff Road. The site is 0.21ha. The hotel comprises 25 en-suite bedrooms and includes a restaurant, function room and parking. The hotel is of limited architectural merit having suffered a series of unsympathetic extensions and alterations. The hotel was open at the time the application was submitted but has since been closed; notably given the COVID pandemic. The site is a short walk from the clifftop, beach and Boscombe pier.

Key Issues

Housing land supply

- 35 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:
- 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.
- 36 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.

Loss of hotel

- 37 CS28 details that development resulting in the loss of sites used, or last used, as tourist accommodation will only be considered acceptable where it can be demonstrated that:
- business is no longer viable and has no reasonable prospect of continuing; and
 - loss of the tourist accommodation will not harm the function of the area in relation to the tourism industry and the local community.
- 38 The Council's Tourism Officers (Tourism) visited the hotel on 26 February 2020. Their comments note that the hotel has 26 bedrooms and on-site parking. It is in a good location with Boscombe seafront and its blue flag beaches only 500 metres away, 200 metres to the cliff top and 500 metres to Boscombe Precinct with its shops/bars/cafes.
- 39 The Tourism Supplementary Planning Document (SPD), which was adopted by the Council in April 2016, sets out in detail the criteria for assessing viability. Section 7.3 of the Tourism SPD sets out that the Local Planning Authority will seek evidence from the applicant to demonstrate that the premises are firstly, not economically viable in their current use, and secondly are incapable of being made viable in its current use, or as another form of tourist accommodation. The potential of the establishment to be run as a viable operation will be a
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key test. Current trading performance is no guide to potential as the reasons for business failure may be peculiar to the current ownership and management.

- 40 The Applicant has submitted, by way of viability evidence, general comments on the Tourism SPD together with a report on tourism viability. This report seeks to present a picture and partial interpretation of the tourism accommodation sector within Bournemouth as a whole. Tourism originally raised objections to the proposal but further to additional information/clarification, around marketing of the business, current viability and review of alternative tourism redevelopment options, Tourism are satisfied that the non-viability test as set out in the Tourism SPD has been met. Specifically, the supporting viability reports have demonstrated that the property has been marketed for sale for more than the minimum 18-month period and that little interest has been expressed by the market. Further, alternative business models have been proposed together with yield projections and these realistically demonstrate that conversion to self-catering holiday apartments would not be viable for this particular property.
- 41 The current impacts of Covid 19 are presenting additional uncertainties within the tourism market and whilst Tourism anticipate that demand will bounce back in the medium term, the current prospects for tourism function within this property are considered to be limited.
- 42 Consequently, Tourism raise no objection to the change of use in accordance with section 9.1 of the Tourism SPD but there would be an objection to any proposal for a House in Multiple Occupation (HMO) as this would not be compatible with the area's character and would be likely to cause harm to the wider function in relation to nearby tourism businesses.
- 43 For the reasons outlined above, the proposal is considered to accord with CS28 and there is no objection to the application having regard to the loss of the existing hotel facility.

Heritage

- 44 The application site adjoins the Boscombe Manor Conservation Area (a designated heritage asset) along its north boundary; the conservation area near encompasses the site but omits the hotel, the buildings either side and opposite. The conservation area is largely formed of detached villas that were built within the grounds of Boscombe Manor, a Georgian Villa at one time owned by Sir Percy Shelley. The villas across the conservation area date from 1895 to 1920 and benefit from a richness of detail, materials, and style, creating a sense of cohesiveness and pleasing character and appearance to the area.
- 45 The application site therefore occupies a more sensitive position given its location adjacent to the conservation area. The existing building is a part of the historic development of the area, but its character has been significantly eroded by unsympathetic alteration and extension. It can be seen from the map of the conservation area that the boundary of the designated area has been drawn to specifically omit this altered building and adjacent modern large flat blocks. On this basis, there is no objection to the loss of the existing building and in this regard, there is also no objection having regard to the provisions of BAP1 which states that the retention of all buildings of architectural or local heritage value will be supported, in order (in part) to preserve the historic character and amenity of the area.
- 46 Notwithstanding the lack of objection to the loss of the building, care needs to be taken that any proposals for this site focus on positive rather than negative elements within the setting of the conservation area. In this regard, 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 CS39 which
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seeks to protect designated assets from proposals that would adversely affect their significance.

- 47 In this instance, it is adjudged that the aspirations for this site are too great and the amount of development is too much. The scheme appears driven by the function of the development (i.e. number and size of the units sought) rather than seeking to work within the constraints of the site and the scope for change. A traditional or modern design could be utilised, but it needs to be well detailed and of an appropriate scale. The proposal is overscale and the amount of development too much. This evidenced by the proximity of the building to the site boundaries, the significantly increased massing of the building increasing from 3 to 5 stories, the loss of much of the outdoor amenity areas/ landscaping and the introduction of a large car park. This would result in harm given that the building would be overscale with adjacent buildings with a lack of refinement by virtue of its bulk. The proposal would dominate this corner position and fail to preserve the setting of the designated heritage asset (conservation area) characterised by smaller buildings on a domestic scale.
- 48 The Design and Access Statement suggests this is a transition site, but this is not agreed with. Redevelopment needs to be respectful of the Wollstonecraft Road buildings within the conservation area rather than looking to the large seafront flat blocks opposite. The amount of development manifests in further harm given that the 5 storey structure would include a subterranean level with compressed floors (i.e. low floor to ceiling heights) that is also not in keeping with the traditional properties of Wollstonecraft Road that fall within the conservation area.
- 49 The application is supported by a Heritage Statement, but this is somewhat brief, does not include a map identifying the proximity of the conservation area or identify any detail of what is of interest about the conservation area or its setting. The statement has not demonstrated how the scheme has been designed to respond to its context within the setting of the conservation area, justification is vague in noting the hotel does nothing to complement the conservation area and that instead the proposal would bring a 'breath of fresh air to the site'.
- 50 In conclusion, the benefits of the scheme are acknowledged having regard to the additional housing that would be provided and the short-term construction jobs. There is an opportunity to enhance the setting of the conservation area through sympathetic redevelopment of the site. However, the proposal would be harmful. The development would be of excessive size and bulk by virtue of the amount of development the building would dominate the site and its surroundings and would be out of keeping with the domestic scale and proportions of the surrounding buildings which characterise the conservation area. The NPPF places 'great weight' on the conservation of heritage assets and whilst this harm would be less than substantial having regard to the provisions of the NPPF, the benefits of the proposal would not outweigh the harm to the setting of this heritage asset. As such, having regard to paragraph 11d)i, there is a clear reason for refusing permission and the tilted balance is not triggered. In so doing, the proposal would fail to satisfy the relevant provisions of CS39.

Impact on character and appearance of the area

- 51 The application seeks outline permission for a 5-storey flatted block to provide 24 flats with 29 unallocated car parking spaces. The plans show a flat roofed design to a larger scale and with 2 more floors when compared with the hotel. The application site occupies a prominent corner plot adjoining Boscombe Cliff Road and Wollstonecraft Road.
- 52 On the issue of scale, the area north of Boscombe Cliff Road has a domestic scale, characterised by 2 and 3 storey buildings. There is considered scope for a reasonably dense
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development to mark the corner, (and to a lesser extent due to the taller buildings on the opposite side of Boscombe Cliff Road) but 5 storeys is adjudged as excessive. The applicant highlights that the height of the proposal is similar to the hotel, but 2 extra floors are achieved through reduced floor to ceiling heights. As noted above, the attractive historic properties within Boscombe Manor Conservation Area are characterised by generous floor to ceiling heights and it is considered that a 4-storey building with taller floor to ceiling heights to create a more elegant appearance and better amenity is more likely to be acceptable. The density, equating to 114 dwellings per hectare, highlights the excessive amount of development. BAP1 states that residential densities in excess of 100 dwellings will not be supported unless it can be demonstrated that it is necessary for viability or to meet identified housing need. There is no supporting viable assessment on this issue.

- 53 On the issue of layout, with regards to the footprint proposed, the existing building is about 20.5m back from the Boscombe Cliff Road frontage wide whereas the proposal is about 10m back stepping forward of the neighbouring building. It is also wider than the main part of the hotel. The proposal should be pulled away from the site boundaries (front and side) to create more breathing space. The footprint would be excessive when compared to the character of the area and would also result in very limited amenity. In this regard, car parking dominates the site, dictates the footprint of the proposal (pushing development out towards the site boundaries) and results in a large undercroft that would be apparent in public views. The number of car parking spaces could be significantly reduced having regard to the provisions of the new Parking SPD. This would allow significantly more amenity space and could allow a significantly improved footprint and design. It would negate the need for undercroft parking which highlights the excessive amount of development and which is in no way in keeping with the character of the area. On the issue of the undercroft parking, the Council's new Parking SPD states that *'Undercroft parking incorporated into the ground floor of a building should be enclosed by a wall and grills, as open undercroft parking can have a poor appearance causing security issues and potential anti-social behaviour'*. The undercroft parking would be open; Dorset Police highlight security concerns in their comments. The applicant has resisted making changes to the proposal stating that units without parking would be less marketable.
- 54 On the issue of 'access' the proposal fails to make acceptable provision for pedestrians and cyclists. There should be direct paths between Wollstonecraft Road and the front door and between Boscombe Cliff Road and the cycle store. This would make walking and cycling more convenient and create welcoming, legible entrances in the street scene.
- 55 'Appearance' is a reserved matter, but some detailed elevations have been received. The art deco style is not particularly relevant to the character of the immediate vicinity or the adjacent conservation area but there are art deco and art deco inspired buildings further afield. The building features a number of curves and it would be important for these to be true curves rather than faceted for the design to be successful. If curved glass is not realistic the Urban Design Officer comments that it might be better to avoid glazing in these locations.
- 56 The initial plans were reviewed by the BCP Council Local Planning Authority's Independent Design Review Panel to provide an independent view on the proposals. The panel members comprised an architect, urban designer, energy and sustainability engineer, architectural designer and landscape and urban designer. The panel operate a 'traffic light' system and gave the proposals a 'red' rating dictating 'major concerns'. The key concerns related to the scale and layout of the proposals, its bulk, the impact on trees, the amount of parking and pedestrian access. The Panel also considered that the appearance could be more elegant and did not embody good quality art-deco style design. Of particular note;
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- Height, bulk and mass - the proposal is over scale creating problems with the layout, amount of parking required and the bulk and massing;
- Character - the character of the area is of buildings set in large gardens with large trees and the proposal does not support this;
- Layout – the building steps forward of the building line and would have an adverse impact on boundary trees. The 'L' shaped footprint was supported but it should be reduced and moved back. The layout of the pedestrian entrance is poor with pedestrians forced to approach the building using a convoluted path that prioritises views of the bin store, would not be a legible and which would be inconvenient and unwelcoming;
- Parking – the rear location is positive but too much parking is proposed;
- Appearance – the art deco design could work but the architecture is fussy and fragmented; the design lacks elegance and needs to be better refined.

57 The applicant was invited to make changes to address the various concerns and amended plans were submitted. However, these result in only subtle changes to the scheme that in no way addressed the various concerns that have been raised (albeit they did address the Tree Officer concerns as detailed below). The applicant has resisted making further changes to the scheme stating the size of the building would not be significantly larger than the hotel, a further reduction in size would make the proposal undeliverable and moreover, believing the design to be acceptable. On this issue, it was suggested that a different design approach might help erode the massing and bulk of the development whilst retaining a similar amount of accommodation (i.e. a traditional design with pitched roof containing accommodation as per surrounding buildings) whilst the new Parking SPD also affords opportunities given that the amount of parking could be reduced. The applicant has not been willing to make these changes. As such, the application falls to be determined on the basis of the amended plans initially submitted.

58 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. However, the amount of development results in a scale and layout of development that would dominate the site and its surroundings, would be out of character with the domestic scale of surrounding buildings that are typified by generous floor to ceiling heights, would be too close to the site boundaries along Boscombe Cliff Road and Wollstonecraft Road and well forward of the building line along the former, result in a large parking area including undercroft parking and which would fail to make acceptable provision for pedestrians and cyclists. The density of development also exceeds the provisions of BAP1. These harmful impacts would outweigh the more limited benefits of the proposal. For all of these reasons, the proposal would fail to accord CS21 and CS41 which requires developments through its scale, density, layout, siting, character and appearance to respect the site and its surroundings, to be of a good design and to maintain and enhance the quality of the street scene. The proposal would also fail to accord with policy 6.10 that requires development to respect and enhance the character and the appearance of the area. It would also fail to accord with BAP1 as noted and BAP2 that requires development to incorporate high standards of sustainable and inclusive design and architecture principles.

Energy

59 The Design and Access Statement references solar panels albeit these are not shown on the plans. It also suggests a planning condition to ensure compliance with CS2 which would be supported if planning permission were granted. However, given the declaration of a climate emergency by BCP Council and Government it would be positive to see the development exceed these requirements. As an example, the Urban Design Officer suggests use ground

source heat pumps and also queries how the proposal would demonstrate a net increase in biodiversity as required by the NPPF.

Trees

- 60 The application site is well treed in character with 8 trees protected by a Tree Preservation Order. These trees are fine quality specimens of high visual amenity value.
- 61 In considering the scheme, the Council's Tree Officer has raised concern regarding proximity of the building to these trees. These concerns also related to proposed construction works that would step closer to the trees (i.e. with scaffolding, excavations and mobile equipment) but also issues of tree debris and sun/ day light to the new building once built that could lead to pressure for harmful pruning or felling in the future.
- 62 The applicant submitted amended plans stepping the building slightly further back from the Wollstonecraft Road frontage. On the basis of this information, the Tree Officer advises that the pruning now required is very minimal. On 1 tree a cut back of 0.9m is required to provide a 3m clearance on completion. Other trees require lesser pruning or no pruning. No works are to take place in any trees root protection area. The area of the Limes, root protection areas which is currently hard landscaped is to be returned to soft landscaping which would improve their rooting environment in the long-term.
- 63 On the basis of the above, the Council's Tree Officer now raises no objections subject to the information being formed into a detailed arboricultural method statement for the site; it also suggested that a soft landscaping scheme for the site be formed at this stage and submitted as well. Nevertheless, in view of the further objections to the proposal this information has not been submitted at this stage. The arboricultural method statement is required prior to the grant of planning permission thus there is an associated objection on this basis.
- 64 The Tree Officer has raised no objection to the non-protected trees at this site being felled but as above, a high quality new soft landscaping scheme for this site should be produced. It is noted that with the proposed site layout, there would be very limited scope for new landscaping to the north and west boundaries with hardstanding abutting the site boundaries.

Residential Amenity (future occupiers)

- 65 The proposal would provide 24 new flatted units. As submitted, the proposal was for 2 1-bed flats, 13 2-bed flats and 9 3-bed flats. As amended, the proposal is for 2 1-bed flats, 16 2-bed flats and 6 3-bed flats. BAP6 requires a housing mix formed of 50% 3-bed or larger, 40% 2-bed units and 10% 1-bed units which would comprise 2 1-bed flats, 10 2-bed units and 12 3-bed units; neither set of plans accords with this policy requirement which seeks to ensure an appropriate housing mix. BAP6 states that where the housing mix fails to reflect this policy requirement, applications must be supported by up-to-date housing need evidence and/ or an assessment that demonstrates that compliance with these requirements is not viable. The application is not supported by a viability statement on this issue thus the scheme fails to accord with this policy requirement and there is an associated objection.
- 66 The Governments Technical Standards provide a benchmark regarding the size of the units proposed, and this is encompassed by BAP7. Notwithstanding the comments from the Boscombe and Pokesdown Neighbourhood Plan Working Group that states that the room sizes are not to national policy standards, the flat sizes are significantly in excess of the space standards. As highlighted by the Urban Design Officer, this would enable the footprint
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to be reduced and the amount of amenity space increased which would be more likely to achieve an acceptable development.

- 67 The suggested balconies are a welcome feature; each flat would be expected to have direct, level access to a generously sized balcony or patio to achieve a good level of amenity in accordance with CS41. However, the the amount of communal green space is too limited, especially given that most of the flats would be family sized. As noted, there is still some concern as to the proximity of the building to the trees which could result in pressure to reduce the tree cover in the future to allow better outlook and light. Most of the flats would be corner aspect which is positive. By reducing the footprint of the building, the single aspect units could also be avoided.
- 68 Overall, whilst concerns remain regarding some amenity issues, it is considered that any associated refusal would be difficult to sustain particularly given the conclusions of the Tree Officer and proximity of the seafront (that would provide good amenity for future residents). However, there is an objection to the proposed unit mix as noted which is contrary to BAP6 and thus also CS6 and CS21.

Residential Amenity (neighbouring occupiers)

- 69 There are a number of neighbouring occupiers who could be impacted by this development:

Cleasby Grange:

- 70 Cleasby Grange forms a 3-storey flatted block to the east on the far side of Wollstonecraft Road. It has an outlook towards the application site as well as towards the seafront and to the east. The building is set within communal gardens which wrap around the building to this side. Residents of this flatted block have raised objection given the forward positioning of the new building, the massing of the building and the level of overlooking that is likely to result.
- 71 It is acknowledged that the proposal would impact on these residents. West side facing windows on the front part of this development have a view facing in front of the hotel and benefit from afternoon sunlight in this direction. However, the proposal is set apart from Cleasby Grange on the opposite side of the road with a separation distance in the region of 25m whilst tree screening along Wollstonecraft Road would help safeguard privacy. Specific design details in respect of balconies etc would also be further assessed at the reserved matters stage. As such, it is considered that it would be difficult to substantiate any associated refusal reason. Nevertheless, the design changes to the scheme which are considered to be required would help to address these neighbour concerns.

17 Boscombe Cliff Road:

- 71 The premises form a 3-storey flatted block with an attached bungalow behind. The building is stepped in from the shared boundary with a driveway to this side. There are side facing windows which are also primarily orientated towards in front of the hotel building. The bungalow is behind set back against the far building line but orientated to face the application site. There are only a limited number of windows at first and second floor within the hotel that face number 17 albeit part of the 3-storey extensions to the hotel are on this boundary.
- 72 The proposal would have some benefits in that all of the building would be inset from the boundary, but it would step significantly further forward with a significantly increased bulk and massing. The floor plans also show that the sole outlook from some of the new units would be towards 17 Boscombe Cliff Road whilst the large car park would adjoin this boundary. It
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is noted that a detached garage block adjoins the boundary serving this neighbouring block whilst its associated parking and turning area is also located behind. Nevertheless, concerns persist regarding issues of intervisibility at the front, overlooking to the rear and the massing/bulk of the building that would appear overbearing. There is an associated objection.

3 Wollstonecraft Road (Holly Bush House):

- 73 This 2.5 storey building stands to the rear of the application site facing Wollstonecraft Road. The hotel abuts this boundary at 3-storey height and has a number of facing balconies. It is noted that this neighbouring property includes several on facing windows. The amended plans inset elements of the build further from this boundary with approx. 9m separation distance. The amount of development also dictates that the carparking access road would adjoin this rear/ side boundary, but the existing car park also does. Overall, and given the revised plans, it is considered that it would be difficult to substantiate an associated objection to this relationship. However, it would be necessary to give care consideration to the position of balconies in particular at the reserved matters stage.

Ocean Heights:

- 74 Ocean Heights forms a 7-storey block opposite the site on the far side of Boscombe Cliff Road. Having regard to the level of separation between the proposal and this building, this relationship is adjudged to remain acceptable.

Further neighbouring premises:

- 75 All other neighbouring premises are located at appreciable distance from the application site. On this basis, there are no associated objections.
- 76 On the basis of the above, the proposal is not considered to accord with the provisions of CS21, CS41 and 6.10 having regard with the proposed relationship with 17 Boscombe Cliff Road:

Highway Safety

- 77 Access is proposed from Wollstonecraft Road as existing. There are currently two vehicular accesses on this frontage; one would be stopped up and the other would be narrowed, which is welcomed by the Local Highway Authority. Sections of redundant dropped kerb would need to be reinstated as full height kerb and identified on a plan, with the white access protection markings amended. A drainage channel is also required across the revised access to prevent surface water from draining from the property onto the highway, in accordance with highways legislation. It is considered that these issues could form the basis of a suitably worded planning condition if planning permission were granted.
- 78 The application was submitted prior to adoption of the new Parking SPD (5th January 2021). With regards to the provisions of the old SPD, the site was within zone 3. The plans do not provide information on the number of habitable rooms, but if this is 1 more than the number of bedrooms then the Parking SPD indicated that the proposal would generate a car parking demand for either 33 allocated spaces or 23 unallocated spaces. 30 parking spaces were proposed as submitted which has been reduced to 29 so the proposal would be 4 spaces short of enabling allocated car parking. However, it was noted that the submitted transport statement identifies that the existing hotel use is currently 10 spaces short, based on the Parking SPD requirements (25 hotel bedrooms with 15 existing spaces = 10 spaces shortfall). The proposal was thus noted as an improvement and it may be possible to provide
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2 to 3 additional car parking spaces on street further to the site access changes. It was therefore deemed that allocated car parking would be acceptable (albeit unallocated parking is now shown), subject to 5 spaces provided for visitors. This would need to be shown on the submitted plans, but the Local Highway Authority were happy to condition this requirement if planning permission were granted.

- 79 With regards to the new Parking SPD, it is understood that only 6 car parking spaces would have been required. In this event, there would be scope to reduce the level of parking allowing more room for the building, negating the need for undercroft parking, and increasing the amount of amenity space.
- 80 34 cycle parking spaces are proposed in a cycle store. The Local Highway Authority noted that this was an acceptable level of provision subject to alterations to the width of the cycle store door and cycle path. Again, it was considered acceptable to condition these issues if permission were approved.

Waste and Recycling

- 81 The Waste Collection Authority detail that the layout of the bin store on plan should be improved to provide better resident and collection staff ease of use whilst it could also be reduced in size in line with the capacity requirements. Overall, the details submitted meet the requirements of the Waste Collection Authority, but it would be necessary for the applicant to submit a Waste Management Plan that could form the basis of a suitably worded condition if approved. On this basis, the application would accord with the CS38.

Affordable Housing

- 82 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.
- 83 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. 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

- 84 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
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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.

Heathland Mitigation

- 85 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.
- 86 Therefore as of 17th 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 capital contribution is therefore required and in this instance is £6456 (£269 x 24), plus a £322.80 administration fee. A signed legal agreement would be required to secure this contribution but has not been progressed in view of the recommendation to refuse.

Community Infrastructure Levy

- 87 The development would be subject to a CIL contribution if approved.

Summary

- 88 The application seeks outline planning permission to replace a 3-storey hotel with a 5-storey flatted block of 24 flats.

Planning Balance

- 89 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 a designated heritage asset and to the character and the appearance of the area. Harm has also been identified having regard to residential amenity and trees. 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.
- 90 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 a designated heritage asset
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and the amenities of neighbouring occupiers. The Development Plan Policies considered in reaching this decision are set out above.

Recommendation

91 Planning Permission is **REFUSED** for the following reasons:

- 1. Excessive Scale**
- 2. Poor Quality Site Layout**
- 3. Harmful Impact on Setting of Conservation Area**
- 4. Inappropriate Residential Mix**
- 5. Excessive Density**
- 6. Residential Amenity**
- 7. Lack of Tree Information**
- 8. Heathlands**
- 9. NPPF, CS6, CS21, CS33, CS39, CS41, 4.25, 6.10, BAP1, BAP2, BAP6, Residential Design Guide**

1. By reason of its excessive scale and poor quality site layout, the application would result in a development that would dominate the site and its surroundings with a footprint that would be out of character with the area and a 5-storey massing/ scale that would be out of keeping with the domestic scale and proportions of the surrounding buildings which characterise the Boscombe Manor Conservation Area. Therefore, the proposal would fail to preserve the setting of the Boscombe Manor Conservation Area and would be detrimental to the character and the appearance of the area further evidenced by the large areas of hardstanding, lack of amenity/ landscaped areas and a building that would lack refinement and detail. The layout would also fail to make acceptable provision for pedestrian and cyclist movements. As such, the proposal is contrary to the provisions of the NPPF chapters 12 and 16, policies CS6, CS21, CS39 and CS41 of the Bournemouth Local Plan Core Strategy (Adopted October 2012), policy 6.10 of the Bournemouth District Wide Local Plan (Adopted February 2009), BAP1 and BAP2 of the Pokesdown and Boscombe Neighbourhood Plan (Adopted November 2019) and the Residential Development: A Design Guide (Adopted September 2008).

2. The development would fail to adequately justify the density of development proposed having regard to the provisions of policy BAP1 and would provide a unit mix that would fail to accord with policy BAP6 without appropriate justification. The proposal is thus contrary to policies BAP1 and BAP6 of the Pokesdown and Boscombe Neighbourhood Plan (Adopted November 2019). In so doing, the proposal would be contrary to the provisions of the NPPF chapter 8, and policies CS6 and CS21 of the Bournemouth Local Plan Core Strategy (Adopted October 2012).

3. By reason of its excessive scale and the site layout, the development would have a harmful impact on the residential amenities of neighbouring occupiers at 17 Boscombe Cliff Road resulting in a development that would appear oppressive and overbearing and which would be likely to result in harmful levels of overlooking and issues of intervisibility. Accordingly, the proposal would be contrary to the provisions of the NPPF chapters 8 and 12, policies CS6, CS21 and CS41 of the Bournemouth Local Plan Core Strategy (Adopted October 2012), policy 6.10 of the Bournemouth District Wide Local Plan (Adopted February 2009) and the Residential Development: A Design Guide (Adopted September 2008).

4. The application is not supported by sufficient information to demonstrate that the existing trees on site can be retained and protected during and after development given the

absence of an updated Arboricultural Method Statement. Accordingly, the proposal is contrary to the provisions of the NPPF chapter 16, policy 4.25 of the Bournemouth District Wide Local Plan (Adopted February 2009) and the Residential Development: A Design Guide (Adopted September 2008).

5. 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.

10. 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, Block and Location Plans; drg. no 9245/200

Existing Floor Plans; drg. no. 9245/103

Floor Plan Sketch; drg. no. 9245/201

Proposed Street Scenes; drg no. 9245/202

Proposed Drainage Plan; drg no. 9245/204

11. 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 into pre-application discussion but was provided with the opportunity to address the plans raised.
