

Planning Committee

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| Application Address | Hotel Riviera, 5 West Cliff Gardens Bournemouth BH2 5HL |
| Proposal | Demolition of the existing hotel building and erection of a 6 storey building consisting of 14 flats with associated access and basement car parking |
| Application Number | 7-2021-8921-F |
| Applicant | AJ Developments Ltd |
| Agent | Pure Town Planning |
| Date Application Valid | 10 March 2021 |
| Decision Due Date | 8 June 2021 |
| Extension of Time date (if applicable) | 1 October 2021 |
| Ward | Westbourne & West Cliff |
| Report Status | Public |
| Meeting Date | 23 September 2021 |
| Recommendation | GRANT, in accordance with the details in the recommendation |
| Reason for Referral to Planning Committee | 20+ objections received, contrary to officer recommendation |
| Case Officer | Tom Hubbard |

Description of Development

1. Full planning consent is sought for the demolition of the existing hotel building and erection of a 6 storey building consisting of 14 flats with associated access and basement car parking
2. The application follows previous proposals which have been dismissed at appeal and form a material consideration in this case.

Key Issues

3. The main considerations involved with this application are:
 - The loss of the hotel/tourism accommodation

- Conservation issues including the principle of the loss of the building
 - Impact on the character and appearance of the area in terms of scale, height, footprint etc
 - Impact on residential amenity
 - Living conditions for future occupants
 - Issues of parking and highway safety
 - Impact on trees
 - Cliff stability
 - Sustainable energy
 - Ecology/biodiversity
 - Drainage
 - Affordable Housing
4. These points will be discussed as well as other material considerations at paragraphs 31 to 81 below.

Planning Policies

5. **Core Strategy (2012)**

- Policy CS1 – Presumption in Favour of Sustainable Development
- Policy CS2 – Sustainable Homes and Premises
- Policy CS4 – Surface Water Flooding
- Policy CS7 – Bournemouth Town Centre
- Policy CS16 – Parking Standards
- Policy CS18 – Increasing Opportunities for Cycling and Walking
- Policy CS21 – Housing Distribution Across Bournemouth
- Policy CS28 – Tourist Accommodation
- Policy CS32 – CS34 Heathland and designated sites
- Policy CS39 – Designated Heritage Assets
- Policy CS41 – Quality Design

6. **Bournemouth Local Plan: Town Centre Area Action Plan (2013)**

- Policy D4 - Design Quality
- Policy D7 – Public Realm
- Policy T6 - Highway Improvement Schemes
- Policy U2 - Housing

7. **Bournemouth District Wide Local Plan (2002)**

- Policy 3.25 – Cliff Stability
- Policy 4.4 – Development in Conservation Areas
- Policy 4.25 - Landscaping
- Policy 6.10 – Flats Development

8. **Supplementary Planning Documents:**

- Dorset Heathlands Planning Framework SPD 2020
- Residential Development: A Design Guide – PGN (2008)
- Sustainable Urban Drainage Systems (SUDS) - PGN
- BCP Parking Standards SPD (2021)
- Conservation Area Appraisal – West Cliff and Poole Hill (draft)
- Bournemouth Town Centre Development Design Guide

9. The National Planning Policy Framework (2021)

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.
10. The Council is unable to demonstrate a five year housing supply, meaning that the 'tilted balance' of Paragraph 11 may apply to this proposal, unless it is considered that under point i) above that the proposed development will impact upon areas or assets of particular importance (including for example conservation areas). Otherwise, development should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits".
11. The following chapters of the NPPF are relevant to this proposal:
- Chapter 2 – Achieving sustainable development
 - Chapter 5 – Delivering a sufficient supply of homes
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 12 – Achieving well-designed places
 - Chapter 16 – Conserving and enhancing the historic environment

Relevant Planning Applications and Appeals:

12. 2019 - Outline Submission for demolition of existing building and erection of a block of 14 flats with associated access and parking – Refused November 2019 (7-2019-8921-E):
- Overly large and unsympathetic development
 - Harmful to the character and appearance of the conservation area
 - Living conditions/residential amenity
 - Loss of tourism accommodation
 - Cliff stability
 - Lack of public realm improvements
13. This application was subject to an appeal (APP/V1260/W/20/3244741), which was dismissed in January 2021, mainly due to the footprint, layout and building lines which would have been harmful to the character and appearance of the conservation area, and also on residential amenity grounds with side windows in the proposed development being very close to the adjacent approved/extant (unbuilt) block of flats to the west, as well as other design and amenity issues. The appeal decision forms a significant material planning consideration for any future development of this site so will be discussed in relation to these

proposals in the report where relevant.

14. 2019 - Outline Submission for demolition of existing building and erection of a block of 13 flats with associated access and parking – Refused
15. 2007 – Erection of a food kiosk in hotel grounds (7-2007-8921-C) – Granted
16. 1991 – Alterations and roof extension to hotel to form tank room (7-1991-08921-B) – Granted
17. 1974 – Use of hotel as 11 flats and 5 flatlets (7-1974-8921) - Refused

Representations

18. Site notices were posted in the vicinity of the site on 23/03/2021 with an expiry date for consultation of 23/04/2021.
19. 38 representations have been received from 36 addresses, all raising objection. The issues raised include the following:-

Excessive height/bulk/mass

Impact of footprint/building lines

Overdevelopment

Existing building should be retained

Loss of hotel/tourism function/impact on local economy

Poor standard of living conditions for future occupants

Loss of privacy

Overbearing development

Highway safety concerns

Parking management concerns

Poor design

Cliff stability concerns

Opportunity not taken to improve the public footpath adjacent, which is too narrow

20. The plans have been amended since the original consultation period, but the objections relate to the original proposals. The building has reduced in size and the underground bin storage has been removed, amongst other minor design changes. It was considered that these changes did not trigger the need for additional public consultation as the changes were not a significant departure from the original scheme and would raise any new issues that interested parties would have been deprived from commenting on.
21. A response has been received from the Bournemouth Civic Society, raising the following points: The design would fit in well with the existing scale of the Victorian buildings in the area, though some concern about building lines and impact on neighbouring properties, as well as impact on tourism function of the area.

Consultations

22. Highways – No objection following amended plans, subject to conditions.
23. Urban Design – Comments: Proposal respects building lines better than previous proposals, but still some concern on this issue, particularly the western and southern

buildings lines (plans have since been amended to remove this concern). Plinth should be removed, front entrance should be improved, size of flats and living conditions should be improved (all addressed through amended plans).

24. Waste and Recycling – Underground bin store not feasible here due to access. (Bin store has now been placed in the basement and private collection will be sought).
25. Heritage – No response, though comments provided to previous schemes.
26. Flooding and Drainage – No response.
27. Cliff Stability Engineer – (previous scheme):
Low risk of cliff instability due to the distance of the development from the cliff crest, which is in the order of 75m.

The use of soakaways and the discharge of surface water into the surrounding ground should not be permitted due to the sensitivity of the cliff frontage to elevated groundwater flows.

A site specific Ground Investigation should be undertaken to inform underlying geology and to inform substructure design. It is recommended that a geotechnical risk register is developed and maintained as a live document throughout the detailed design stage and construction process.

28. Fire Service – Standing advice. Development should meet Building Regulations requirements (Document B).

Constraints

29. The following constraints are relevant:
 - Within the West Cliff and Poole Hill Conservation Area, designated 1989
 - Within 200m of cliff top
 - SSSI buffer
 - TPO

Planning Assessment

Site and Surroundings

30. The site contains an existing 3-4 storey hotel building which is located in the south east corner of West Cliff Gardens, with a south elevation facing the sea and cliff top public open space area. It is within the town centre area and also within the adopted West Cliff and Poole Hill Conservation Area. The area contains a mix of hotel accommodation and residential flats.

Key Issues

Loss of tourism accommodation

31. The Hotel Riviera falls within the Poole Hill and West Cliff Conservation Area and has 34 bedrooms (61 bed spaces) and on-site parking. The two 2019 applications were refused due to the loss of this hotel. These submissions had not satisfied the requirements of Core

Strategy Policy CS28, which seeks to prevent the loss of tourism accommodation, except where it can be demonstrated that the:

- Business is no longer viable and has no reasonable prospect of continuing; and
- the loss of the tourist accommodation will not harm the function of the area in relation to the tourism industry and the local community.

32. The issue of the loss of the hotel was debated at the 2020 appeal hearing, with the Inspector concluding that:

“On the detailed evidence before me regarding the marketing of the business, its current condition and viability, and the review of alternative tourist redevelopment options, I find that it has been demonstrated that the business is no longer viable and has no reasonable prospect of continuing. Given the high proportion of buildings in the surrounding streets providing tourist accommodation, and the tourist accommodation in the surrounding area, the loss of this hotel would not harm the function of the area in relation to the tourism industry and the local community. In this respect, there would be no conflict from the proposed development with CS policy CS28”.

33. The hotel has since closed and is not currently operating. In the light of the recent appeal determination it would not be reasonable to object in principle to the loss of the tourism accommodation on this site. It is not considered that there has been any material change in circumstance that would warrant a different approach in this case. The proposed development would not therefore be contrary to the aims of the relevant policies in this respect, including Policy CS28.

Impact on the character and appearance of the area

34. The site is located within the West Cliff and Poole Hill Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) states that *“in considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.

35. Paragraph 199 of the NPPF 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”*. Paragraph 202 states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.

Existing site and building

36. The site has a prominent location within the West Cliff and Poole Hill Conservation Area. There is a draft appraisal for the conservation area which has been through a period of public consultation, though it has not been adopted. In that document it is noted that the existing hotel building on the site is identified as a neutral contributor to the character and appearance of the conservation area. Most of West Cliff Gardens is listed as positive. The Hotel Riviera has been altered with a mansard roof and is rendered on two sides. However, despite the neutral designation, as an original building, albeit much altered, it is still reflective of the early development of the area. Its footprint respects the clearly defined

building line which characterises the area and the building sits relatively comfortably in the street scene in terms of plot coverage, scale and bulk.

37. The Inspector in the recent appeal stated that "*I find the untypical, broad form of the mansard encapsulating the appeal building and the disruption of its alternative fenestration to detract from the striking Victorian roofscape of the buildings which make this section distinctive. The removal of this blight in the CA counts in the balance of any proposal to redevelop*".
38. The loss of the building is therefore not precluded in principle, as there has not been any material change in circumstance since the previous applications. However, any replacement development would need to preserve or enhance the character and appearance of the conservation area. The buildings in the immediate locality have a strong and clearly defined character and appearance and any new building would need to respect this in order to preserve this important aspect of the conservation area.
39. Consideration of the views achieved of the site are also important. Its prominent location means all elevations of the building would be visible in both close up and long-distance views. Consideration must also be given to the cumulative impact of the proposals on this site with the development approved on the adjacent St Georges Hotel site to the west (this neighbouring development is illustrated on the applicant's site plans and street scene drawings).

Building lines/site layout

40. The application follows two refused applications for outline planning consent, including one dismissed appeal. This application is now seeking full planning permission. The site is very prominent with any building on this site visible on all four sides. The Inspector's recent determination is a significant material consideration in this respect.
41. The established pattern of development in this area is of properties that are usually around three storeys in height, often with one or two floors of accommodation set within the roof. At the Hotel Riviera site, as the land levels fall away towards the cliff edge the change in levels has been used to accommodate a further floor at the lower level, so the existing property reads as four storeys with accommodation within the roof when viewed from the south, but three storeys from West Cliff Gardens. Of the properties facing the cliff edge, all except this site have substantial landscaping or trees within the public realm that screen the properties and softens the edge between the buildings and the open space. The existing building on this site is therefore already dominant in relation to surrounding townscape, particularly when viewed from the West Cliff Garden cliff top space.
42. There are established, clear and coherent building lines to the south, facing the West Cliff Garden open space, to the west along West Cliff Gardens, and to the east following the line of the rear of the properties on West Cliff Gardens. Although the footprint of the existing building appears to extend to the eastern boundary, this is only at the upper ground floor level, and so the upper floors still respond to the building line.
43. The footprint of the existing building also allows a key public view from West Cliff Gardens through to the cliff and the sea, linking the area to its coastal setting. The coastal part of the conservation area is characterised by established views of the sea at the end of each of the cliff top roads. There is pedestrian access through from West Cliff Gardens to the cliff top via an adjacent public footpath. Any encroachment into this space would impinge on the existing open aspect and views.

44. On the western side, the footprint of the proposed building has been reduced since previous applications such that it would no longer project out further than the existing building. This overcomes one of the main concerns of the Inspector in the recent appeal, that extending the footprint of building westwards would disrupt the existing established common building line visible down West Cliff Gardens, and would also obscure to a harmful degree views of the sea and clifftop area from West Cliff Gardens, which is a key view and distinctive spatial feature of the conservation area.
45. The development also no longer projects so far to the south, which assists in overcoming concerns about the loss of the view in the south west corner of the site, and also the Inspector's concerns with respect to the southern building line projection. There is an extant consent for a similar flat development on the immediately adjacent site to the west, known as the St George's Hotel. The original building on this site has been demolished and has lain vacant for several years. The consent on this site has a building line which projects further to the south, breaching an otherwise fairly consistent building line. The Inspector in the recent appeal for 5 West Cliff Gardens stated that:
- “whatever the justification for the neighbouring development's position, it would be a single breach of that distinctive southern line. The effect of the double breach with this development would compound the effect of the incongruent siting. Furthermore, the proposed building and its neighbour would not stand in isolation. The buildings further to the west, and the alignment of their southern lines, would remain. The disruption of the congruence of this distinctive southern building line would undermine part of the spatial character of the public gardens. More significantly, it would disrupt the consistency of the spatial arrangement of buildings within the CA, degrading its historic significance”.*
46. In the case of this proposal, as stated the southerly projection has been significantly reduced, such that apart from infilling the central section where there is currently an area between two bays, it would now maintain the existing building line here.
47. There is a northern building line which is established by buildings to the west, which will be maintained with this proposal. The main area of increase in footprint is therefore to the eastern side. This differs to previous proposals, and no comment was therefore made on this element by the appeal Inspector. However, the eastern building line could perhaps be considered the least important, as it does not have a street frontage. It will extend further than the rear of other properties to the north in West Cliff Gardens and closer to the boundary on this side, with a gap of around 2 metres retained to the eastern boundary. There is already a one to two storey extension to the existing building in this location, which abuts the boundary, so the principle of development close to the boundary already exists, though the full height of the building here would have greater bulk.
48. The lesser projection to the south than in previous proposals means that there is more potential for a meaningful landscaping scheme on the site, to provide a better transition between the public open space beyond and the built form on the site. There is also scope for landscaping to the side of the building adjacent to the public footpath. A bin collection area is shown adjacent to the vehicle entrance, which will be an area of hard standing, but bins will not be stored here unless out for collection so it will not detract from the character and appearance of the area. The site on the western and northern sides is already dominated by hard surfacing and parking so overall there will be an improvement in this regard.

Height and scale

49. The existing hotel occupies a prominent location which means the site is sensitive to any further increase in height. The scale of the proposed development is the same as the appeal scheme at five storeys, with the fifth floor contained mostly within the roof space (reference in the application description to six floors relates to the basement car park).
50. The Inspector stated on the issue of height and scale that “*The building would not rise significantly higher than the present building and its eaves would be substantially lower. The drawings indicate the return of gables and hipped roofs which would be more akin to the language of the CA than the platform roof over the present building.*” This provides a clear steer that the scale and height of the proposed building are acceptable in this case.
51. The plans for the refused application indicated that the ground level was also to be raised across the lower parts of the site. The underground parking area created a raised plinth on which the building sat. The Inspector was critical of this, stating that it would “*stand-out as an alien form of grounding to a building in the CA where the buildings more typically rise simply from the ground rather than stand on artificial promontories, particularly so towards the public gardens*”. This has been overcome in this proposal through sinking the basement car park a little further into the ground, and also removing the plinth and replacing with a more gentle and subtle re-grading of the land around the building. It will still appear a little raised and sloped, but overall it would not be out of keeping with the character and appearance of the area in this respect.

Design

52. The previously refused application was made in outline, with appearance as a reserved matter but the Inspector’s comments indicate that the design shown on the indicative drawings had some merit. It was stated that “*The drawings indicate the return of gables and hipped roofs which would be more akin to the language of the CA than the platform roof over the present building*”, and that any harm identified “*must be set (against) the positive design aspects of the proposal, and not least, the removal of the roof level eye-sore and disordered fenestration of the existing building*”.
53. The proposal in this case maintains a traditional design. It shares a lot in style with the approved development on the adjacent St George’s Hotel site, indicating that a pastiche style has been considered acceptable in this part of the conservation area. The south facing elevation contains the greatest articulation, with a pair of prominent central gables, mock tudor design detailing, projecting balconies and other design detailing. It is dominated by the fenestration, with multiple and repetitive door openings and balconies, which is not particularly characteristic of the traditional buildings in the conservation area, but this has been toned down a little through the application process by removing the central set of doors and overlapping gable above. It is also consistent with the approval on the adjacent St George’s Hotel site. The south elevation is mostly symmetrical with the western side stepped a little further back than the east side to preserve the existing building line to the south west corner and introduce a little variation into the design.
54. Elsewhere, the elevations are simpler, with a regular fenestration pattern up the building and no balconies. A further gable and stepped forward section signify the entrance area on the northern side which creates a more legible main entrance, a criticism of the appeal scheme which has now been overcome. Architectural detailing also includes the mock tudor detailing to upper sections, exposed rafter feet to the roof eaves, arched brick headers, and canted bay windows have also been introduced on the western and eastern sides, which provide a link to one of the main features of the other original buildings in the area. There

was some concern about the repetitive alignment of window openings, but overall this was not raised as an issue by the appeal Inspector.

55. The roof is articulated with a number of different sections, including the gables, as well as dormer windows. It is a steep and bulky roof, but with the lower eaves height and better proportions of roof the Inspector did not have concerns about this element.
56. The entrance to the underground parking area will be largely hidden on the eastern side of the building in a stepped back section and would not be prominent from West Cliff Gardens. A condition has been added (condition 13) to provide details of gates to the car park entrance. There is an escape staircase from the underground parking area on the southern part of the site, but this is sunken into the ground and would be obscured by landscaping.

Overall

57. Overall, it is considered that the proposed development, as amended, would be sited in an appropriate manner on the site such that it would not affect the key views and building lines within the conservation area. The scale of development was considered acceptable by the Inspector in the earlier appeal, and it was also indicated that the proposed design and form would be acceptable to replace the existing building on the site. The main issues in the appeal related to the building lines, raised plinth and location of the building entrance. It is considered that these issues have all been addressed in this submission. The proposed development is considered to be of an acceptable scale, siting and design and would not result in harm to the heritage asset (the conservation area).
58. The proposed development would therefore preserve the character and appearance of the West Cliff and Poole Hill Conservation Area, and would be in line with the aims of relevant policies, including Core Strategy Policy CS41, District Wide Local Plan Policy 4.4, and Town Centre AAP Policy D4.

Impact on neighbouring residents

59. There are a number of other residential buildings around the site. To the north, 8 West Cliff Gardens ('Seacroft Court') contains a number of flats. There are some side windows to this neighbouring building, although it is not known what rooms they serve. The proposed replacement building on the application site would maintain a fairly similar building line to the existing on the northern side, although around 2 metres closer on the upper floors. This gives a separation distance for the main part of the building of around 8.5 metres to the side of 8 West Cliff Gardens. There was not deemed to be a harmful impact on the occupants of the neighbouring building in the previous scheme, with the Inspector stating: "*the additional mass of the proposed building would be concentrated behind the rear building line of Seacroft Court...The overall height of the proposed building would not be significantly greater than the existing, and its eaves would be substantially lower.*"
60. Given the layout with the eastern section of the building set back it was therefore not considered that there would be a harmful impact on the gardens of these neighbouring flats. The primary aspect of the flats at the rear of Seacroft Court is to the east, and it was not considered that a minor reduction in outlook to the south would be harmful. The removal of the existing outbuilding on the boundary was considered positive.
59. In this case there is a potentially greater impact because the eastern section of building is closer to Seacroft Court than in the appeal scheme. The plans have been amended during the application process to step the building back further on the eastern side where it is beyond the rear building line of Seacroft Court. The proposed building will be approximately

10 metres from the side boundary with Seacroft Court from the stepped back section, and would be about 12 metres from the rear garden areas of these flats. The Inspector was not concerned about some moderate loss of outlook to the south, and the separation distance is considered sufficient that the proposed building would not appear overbearing. There are windows in the rear elevation on the eastern side, but these are secondary and are indicated to be obscure glazed on the plans. Obscure glazing has been added as a condition (condition 12).

60. In terms of the parking access the Inspector said: *“The ramp beside the boundary to Seacroft Court would introduce the risk of noise from car and bicycle movement, however, given that the greater part of the same area is now used for car-parking and bin storage, the change would not be harmful to the privacy of the occupiers of Seacroft Court.”* No objection has therefore been raised to this element of the scheme.
61. To the west the Inspector took into account future living conditions of occupants of the currently vacant site into consideration, concluding that the impact of the low separation between the two buildings on single aspect side bedroom windows would be harmful. In this case the building line of the proposed building has been moved back around 3-4 metres to the same line as the existing hotel building, removing this concern as it would not now be materially different to the existing relationship between the Hotel Riviera and the St Georges Hotel site building, if constructed in the future.
62. Overall, it is considered that the proposed development would not have a materially harmful impact on neighbouring residents. The proposed development would therefore accord with the relevant policies, including CS21 and CS41 of the Core Strategy, 6.10 of the District Wide Local Plan, and D4 of the Town Centre Area Action Plan.

Living conditions for future occupants

63. The appeal was also dismissed on reasons of living conditions for future occupants of the proposed flats on the application site. This was related to the issue raised above where the low separation distance between the proposed building and the adjacent site to the west would have an impact on side facing windows of the proposed development. As above this has now been resolved through moving the proposed building line on the western side back to the existing.
64. The proposed flats are mostly all two-bedroom units, with two three-bedroom flats. They are all a good size and benefit from dual aspects or more, and south facing living spaces with balconies. Overall, it is considered that the proposed development would provide a good standard of living conditions for future occupants. The proposed development would accord with the aims of Policies CS21 and CS41 of the Core Strategy, 6.10 of the District Wide Local Plan and U2 and D4 of the Town Centre Area Action Plan in this regard.

Parking/traffic/highway safety considerations

65. The inspector in the recent appeal found the following:
- The northern boundary fence (adjacent to Seacroft Court) would not result in an unacceptable impact on highway safety from cars leaving the basement car park, contrary to the Local Highway Authority’s (LHA) position
 - no objection to car parking provision on site.
 - The car park ramp gradient, as well as bin storage layout and emptying mechanism could be secured by condition.

- The widening of the adjacent public footpath could not be justified as reasonable having regard to the scale and impact of the proposed development.
66. Since the previous applications, the new BCP Parking Standards SPD has been adopted (January 2021). Given the site's location within Zone A of the Parking SPD, there is no requirement for car parking to serve the proposed flats. Despite this, an underground parking area has been provided with 14 spaces, one per unit. Cycle storage and bin storage are also shown in the basement. The Parking SPD refers to the parking standards as '*optimums*' (rather than strict minimums or maximums) "*to encourage smart travel choices and reduce dependency on the private car*". It is considered that the provision of an amount of parking would not be contrary to Policy CS16 as it is not an excessive provision (one space per unit).
 67. There were originally some concerns with some elements including the access ramp and cycle storage. Amended plans and additional information have been provided.
 68. The car park ramp gradient is now shown starting at least 5m from the back of the public highway (scaling off the submitted plan) after which the transition ramp gradient is 1 in 12 for 3m, followed by the main ramp gradient of 1:6.8 (1:6 to 1:10) followed by the 1:12 transition ramp for 3m to the car parking floor. The proposed car ramp is now in accordance with the technical guidance offered by the Institute of Structural Engineers "*Design recommendations for multi-storey and underground car parks*" (2011) as outlined in the SPD.
 69. The applicants assisted system for getting bikes up and down stairs with ease is also considered acceptable and compliant with the SPD.
 70. Whilst the applicant has also shown bays 1-7 parking spaces to have electric charging ports, the remaining parking spaces should also have passive electric charging points in accordance with the SPD. The LHA believes that there is sufficient scope for the applicant to satisfactorily address the above comment and a condition has been added to provide this (condition 8).
 71. Bins are stored in the basement with a collection area adjacent to the highway. A private collection will be required, with a refuse management plan to be provided by condition to detail the arrangements for this, including moving the bins on the site and ensuring that they are not stored at the collection area except when out for collection.
 72. Overall, it is considered that the proposed development meets the requirements of the relevant policies including CS16, CS18 and the Parking Standards SPD.

Impact on trees

73. The site is within a conservation area and covered by an area Tree Preservation Order. There are no trees of merit on the site itself. There are two palm trees on the eastern side which would be removed but no objection is made to the loss of these, and this was not a concern at the time of the previous applications. The now reduced footprint of building on the southern side would provide good space for replanting and landscaping, which will be subject to a condition (condition 7). The proposed development would accord with the aims of Policies 4.25 and CS41 in this respect.

Cliff Stability

74. Policy 3.25 of the District Wide Local Plan states that proposals for development within 200 metres of the cliffs and chines will be required to demonstrate that the development will have no adverse effect on cliff stability. Supporting information in the form of a Slope Stability Report has previously been submitted and assessed by the Council's consultant for a very similar scheme, including underground parking. There are no concerns in principle at this stage, but further detail may be required by condition in relation to the construction process. A condition is therefore proposed to deal with this (condition 5).

Sustainable Energy

75. Policies CS2 and CS3 of the Core Strategy require developments to be sustainable and to embrace the use of renewable/low carbon energy generations. The Applicant has provided a small statement which does not go into significant detail in this respect other than specifying the use of low energy condensing boilers and low energy appliances and lighting. This is not considered sufficient and therefore a condition is required to outline the final design in this respect and meet the requirements of the relevant policies (condition 11).

Ecology/biodiversity

76. A new ecological survey has been undertaken for this application, dated February 2021, including a detailed bat survey. No evidence of bats was recorded in any of the buildings/roof spaces on site. No other protected species were found on the site, though it contains some trees and vegetation of interest. The report contains a number of proposed ecological enhancements such as bat tubes and bee bricks, which have been included in a condition (condition 14). These recommendations also include landscaping elements such as fruit trees to provide foraging opportunities for wildlife as well as British grown plant species.

Drainage

77. The Council's SUDS policy is relevant to applications for residential development and sets out an approach to achieving sustainable drainage. This property is within the coastal soakaway restriction zone. This doesn't rule out all 'SuDS', but does restrict the use of point infiltration systems inclusive of soakaways. The drainage plan illustrates a surface water sewer connection with attenuation tank to the north west corner of the site, with the final details to be agreed with Wessex Water prior to construction. Given the site's location and the existing area of run off not increasing over the existing building and areas of hard surfacing, this approach is considered acceptable.

Affordable Housing

78. All applications proposing residential development in excess of 10 units net will be subject to the Council's adopted affordable housing policy. The affordable housing DPD sets out an approach to achieving contributions towards the delivery of affordable housing in Bournemouth. Policy AH1 contained within DPD requires all residential development to contribute towards meeting the target of 40% affordable housing. When considering residential development the Council will seek a 40% contribution except where it is proven to not be financially viable. The DPD was revised in November 2011 and sets out in greater detail how the DPD will be implemented as well as including an indicative contribution table which applicants can agree to rather than submit viability information.

79. In this case the applicants submitted a viability assessment which has been assessed by the Council's independent verifier, the District Valuation Service. The report concludes that the proposed development is not viable to make an Affordable Housing contribution in this case. The proposal does not therefore provide a benefit in this regard.

Heathland Mitigation

80. 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. An appropriate assessment has been undertaken which concludes that the proposed development would be acceptable with suitable mitigation.

81. 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 £3,497, plus a £174.85 administration fee. A signed legal agreement has been drafted to provide this contribution.

Community Infrastructure Levy

82. The proposal is not liable for CIL in this Bournemouth town centre location.

Summary

83. It is considered that:

- The retention of hotel accommodation on the site is considered not viable.
- The proposed development, as amended, would preserve the character and appearance of the West Cliff and Poole Hill Conservation Area.
- There would not be a materially harmful impact on neighbouring residents.
- The proposal provides a good standard of living conditions for future occupants.
- There are no significant tree impacts and scope for improved landscaping on the site.
- There are no parking, traffic or highway safety implications of the proposed development.
- Other issues including drainage, biodiversity, sustainable energy and cliff stability are acceptable in principle or can be dealt with via condition.

Planning Balance

84. The recent appeal decision on the site forms a very strong material consideration in this case, particularly in terms of the loss of the hotel accommodation. The smaller building now proposed overcomes the Inspector's concerns in terms of the impact on the character and appearance of the area and living conditions of future and neighbouring occupants.

85. The proposal provides residential development in a highly sustainable town centre location, and the 14 flats will contribute towards local housing supply. The Council is not currently in a position to demonstrate a 5-year housing supply in the Bournemouth area. This means that Paragraph 11 of the NPPF applies. This confirms that permission should be granted

unless applying the guidance in the Framework provides a clear reason for refusing the development proposed. In this regard, in consideration of NPPF Paragraph 11(d) i), there is no identified harm to the heritage asset or any issue that “*would provide a clear reason for refusing the development proposed*”, and therefore as per paragraph 11 (d) ii) the proposed adverse effects of granting permission are not considered to ‘significantly and demonstrably’ outweigh the benefits in this case.

86. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would generally be in accordance with the Development Plan as a whole, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this recommendation are set out above.

Recommendation

87. **GRANT permission with the following conditions, which are subject to alteration/addition by the Head of Planning Services provided any alteration/addition does not go to the core of the decision and the completion of a Section 106 agreement with the following terms:**

Section 106 terms

Financial contribution of £3,497 plus £174.85 administration fee towards heathland mitigation measures (SAMM)

Conditions

1. Development to be carried out in accordance with plans as listed:

The development hereby permitted shall be carried out in accordance with the following approved plans: 9097/200 Rev. A, 9097/201 Rev. A, 9097/202 Rev. A, 9097/203 Rev. A, 9097/204 Rev. A, 9097/205 Rev. A, and 9097/206 Rev. A.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Construction Method statement

No site clearance or development work shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Method Statement that includes the following measures:

- a) parking arrangements for operatives and construction vehicles working on-site;
- b) noise reduction measures [including times of piling operations]; and the
- c) details and siting of equipment, machinery and surplus materials on the site.

The parking arrangements for operatives and construction vehicles shall be implemented prior to development commencing and the development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in the interest of highway safety in accordance with Policies CS38, CS41 and CS14 of the Bournemouth Local Plan: Core Strategy (October 2012).

3. On site working hours restricted when implementing permission

All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining and nearby properties and in accordance with Policies CS14 and CS38 of the Bournemouth Local Plan: Core Strategy (October 2012).

4. Samples of materials and architectural detailing

Details/samples of the bricks, tiles, windows, balustrading and any other materials and architectural detailing to be used on the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details in full including all decorative elements illustrated.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012) and Policy 4.4 of the Bournemouth District Wide Local Plan (2002).

5. Cliff stability

The recommendations and protection measures as detailed in the Slope Stability Report dated 29 July 2019 and prepared by B E Willis Partnership (ref. BEW JCL 2019.438) shall be implemented in full in accordance with additional details to be submitted and approved by the Local Planning Authority prior to the commencement of development. Details shall include the results of ground investigations, a risk assessment and method statement for the excavation and construction of foundations with recommendations for temporary works, details of a geotechnical risk register to be developed and maintained throughout the design and construction process, and details of the foundations and substructure, informed by the ground investigation.

Reason: To ensure the construction of the development does not have an adverse impact on existing ground conditions or on the stability of the cliff, in accordance with Policy 3.25 of the Bournemouth District Wide Local Plan (February 2002).

6. Scheme for external pipework

Prior to the installation of any external pipe work and/or flues to the building(s), a scheme for external pipe work and flues shall be submitted to and approved in writing by the Council. Works shall be carried out strictly in accordance with the approved scheme and unless shown on the approved elevation drawings any pipe work (with the exception of rainwater down-pipes) shall be internal to the building.

Reason: In the interests of the visual amenities of the locality and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

7. Landscaping

Within three months of the date of commencement of the development, or such other time period as might otherwise be agreed in writing by the Local Planning Authority, full details of landscaping works shall be submitted to the Local Planning Authority. Landscaping details shall include:

- a) Proposed finished levels and contours
- b) Surfacing materials
- c) Boundary treatments
- d) lighting
- e) Planting plans;
- f) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- g) Schedules of plants noting species, plant sizes and proposed numbers/densities;
- h) Programme of implementation; and
- i) Maintenance plan for a minimum period of 5 years.

No part of the development hereby permitted shall be occupied until the full details of the landscaping works have been approved by the Local Planning Authority and the approved landscaping scheme shall be implemented in full, including all tree planting, within the first planting season after the first date of any occupation/use of the development commencing and retained thereafter.

Reason: To ensure that the proposed development includes a properly designed scheme of landscaping in the interests of visual amenity and to accord with Policy 4.25 of the Bournemouth District Wide Local Plan (February 2002) and Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

8. Access and parking including electric charging points

Before the occupation of development, unless otherwise agreed in writing by the Local Planning Authority, details of active and passive electric charge points for all the car parking bays shall be submitted to and approved in writing by the Local Planning Authority. The car parking layout and provisions, car ramp, visibility splays and EV charging points shall be constructed and laid out in accordance with the agreed details and completed prior to occupation of the development hereby approved and shall thereafter be retained, maintained, and kept available for the occupants of the development at all times.

Reason: In the interests of highway safety and in accordance with Policies CS14 and CS16 of the Bournemouth Local Plan: Core Strategy (October 2012).

9. Cycle Store

Before the occupation of the development hereby approved the cycle store for 30 cycles shall be laid out as shown on the approved plans and thereafter retained, maintained and kept available for the occupants of the development at all times.

Reason: To promote alternative modes of transport and in the interests of amenity in accordance with Policies CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

10. Servicing and Refuse Management Plan

The development hereby permitted shall not be occupied until a Servicing and Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: details of servicing vehicle access; details of the management company to be set up (if applicable); the employment of a private contractor to collect the refuse; measures to be taken if no private contractor is available at any time in the future. The servicing and refuse management plan shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development includes a long-term management plan for servicing and the collection of refuse and recycling in the interests of highway safety and residential amenity.

11. Sustainable energy

Prior to occupation of any part of the development hereby approved an energy statement shall be submitted to and approved in writing by the Local Planning Authority. The energy statement shall outline the final energy reduction strategy including renewable sources and sustainability measures to meet the requirements of Policy CS2 in terms of a minimum of 10% of the energy to be used in the development to come from decentralised and renewable or low carbon sources. The approved energy strategy shall be implemented as approved prior to first occupation of the development and retained thereafter.

Reason: In the interests of encouraging the provision of sustainable homes, premises and the provision of renewable and low carbon energy sources and infrastructure in accordance with the aims of Policy CS2 of the Core Strategy (2012).

12. North facing windows on eastern side to be obscure glazed

The proposed window(s) in the north elevation of the building serving the bedrooms of flats 4, 7, 10 and 13 shall be glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and fixed shut unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity and privacy of adjoining properties and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

13. Security gate

The basement parking area shown on the approved plans shall be accessed by secure gates, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The gate(s) shall be installed prior to first occupation of the development and retained and maintained thereafter.

Reason: In the interests of highway safety and the living conditions of residents and in accordance with Policy CS16 of the Bournemouth Local Plan: Core Strategy (October 2012).

14. Biodiversity enhancements

The development shall be carried out in accordance with the ecological enhancements outlined in Section 5: Ecological Mitigation and Enhancement Strategy of the submitted Ecological Assessment dated 18 February 2021 in full prior to the first occupation of any of the residential units hereby approved, and retained thereafter.

Reason: To mitigate for the loss of any biodiversity habitat on the site and provide a biodiversity enhancement, in accordance with policies CS35 and CS41 of the Bournemouth Local Plan: Core Strategy (2012) and the NPPF.

Background Documents:

Case File – ref 7-2021-8921-F

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.