

Planning Committee

Application Address	Savoy Hotel, West Hill Road, Bournemouth, BH2 5EJ
Proposal	Installation of a replacement extraction flue with associated ducting and plant equipment, installation of 5 fan units in acoustic housing and replacement boundary fence - Existing unauthorised (amendment to fencing and acoustic enclosures)
Application Number	7-2021-4988-AQ
Applicant	Nicolas James Group
Agent	Luken Beck
Ward	Westbourne & West Cliff Councillor John Beesley & Councillor Nicola Greene
Meeting Date	21 July 2022
Recommendation	Grant in accordance with the details set out below
Reason for Referral to Planning Committee	20+ objections received, contrary to recommendation
Case Officer	Tom Hubbard

Executive Summary

The key planning issues for Members to consider are set out below. Members will have to balance all of the planning issues and objectives when making a decision on the application, against policy and other material considerations.

Representations received

20 objections were received. A summary of the objections has been provided within the consultation section of the report. The main issues raised in the objections relate to noise and disturbance.

Impact on the character and appearance of the area

The site is located in the Poole Hill and West Cliff Conservation Area. The alterations relate to the western side of the building where an unauthorised extraction system has been installed as well as other plant equipment. It is proposed to undertake alterations to screen the plant and extraction equipment, which are deemed acceptable in terms of the character and appearance of the conservation area.

Impact on Residential Amenity

There are blocks of flats directly to the west of the site. The proposed extraction equipment and fan units were having a significant impact on neighbouring residents in terms of noise, but mitigation has now been agreed, with a number of measures including internal works, external shrouding of the flue, and the provision of acoustic enclosures to the fan units and a new boundary fence, which will reduce the noise levels to an acceptable impact, with protection built into the condition for further testing to ensure this is the case.

Summary

The proposal would have some minor impacts in terms of the design of the extraction equipment and the fence. However, it is recognised that the hotel is an established use with the need for extraction and other plant equipment. The western side is the least visibly prominent in the public realm and there will be a limited impact to the character and appearance of the area. Subject to the mitigation measures proposed there will also be an acceptable impact on neighbouring residents. Having regard to the presumption in favour of sustainable development, it is concluded that the proposals would achieve the economic, environmental and social objectives of sustainable development, in compliance with the adopted policies of the Development Plan as a whole and the relevant provisions of the NPPF and should therefore be recommended for approval.

Description of Proposal

1. Retrospective planning consent is sought for the installation of a replacement extraction flue with associated ducting and plant equipment, including fan units to the western side in acoustic housing and replacement boundary fence. Additional mitigation and shrouding to the flue is proposed over that already erected on site.

Description of Site and Surroundings

2. The site is a large corner plot containing a hotel dating from the late Victorian era. It is located in the West Cliff and Poole Hill Conservation Area. The main building is a four storey hotel with lower ground and ground floor extensions on the southern side. It has a large rear garden area surrounded by trees and containing a swimming pool to the south east corner. To the northern side is a car park area and former stable buildings fronting West Cliff Road. The surrounding area is mixed in character containing original villas and terraces as well as newer purpose built blocks of flats, with a mix of residential, hotel and commercial uses. To the south is an area of public open space leading onto the cliff top with the beach/coast beyond.

Relevant Planning History:

3. 7-2021-4988-AT – Partial demolition of existing hotel buildings, alterations and erection of extensions to northern hotel elevation to provide hotel bedrooms, spa and fitness facilities, restaurant and associated terrace, erection of garden restaurant, installation of new outdoor swimming pool, formation of car parking spaces and associated works – concurrent application, undetermined
4. 7-2021-4988-AS – Construction of outdoor swimming pool, associated terrace, basement plant room and associated works – concurrent application, undetermined
5. 7-2021-4988-AR – Alterations to part of hotel roof and associated works – Withdrawn
6. 7-2021-4988-AP – Alterations and extension to lower ground floor bedrooms, upper ground floor restaurant, function room and terrace, replacement glazed balustrading (part retrospective) and associated works – Granted December 2021
7. 7-2001-4988-AC – Outline application for erection of a 4-5 storey 65 bedroom hotel and an 8 storey block of 52 flats with 151 underground parking spaces – Refused

Constraints

8. There are site specific constraints in the form of:
 - Tree Preservation Order on the site (Area order 227/1984)
 - West Cliff and Poole Hill Conservation Area
 - Cliff Stabilisation zone (200m from the cliff edge)
 - Buffer zone of cliff top SNCI
9. With respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area – section 72 - Planning (Listed Buildings and Conservation Areas) Act 1990.

Public Sector Equalities Duty

10. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other relevant duties

11. None relevant

Consultations

14. Regulation (Environmental Health) – No objection provided the works are carried out in accordance with the requirements set out in the acoustic reports:
- *The Vanguardia Report ref 0051253 outlines the specification that must be achieved for the acoustic cladding of the kitchen extraction fan and associated ductwork. This report stipulates that a close fitting acoustic system which incorporates an internal mass layer such as loaded vinyl membrane of typical surface density of 5-10kgm² must be applied to the fan casing and the vertical section of the ducting. It also sets out the specification for the acoustic fence which is to be installed at a height of 2.4m with a cantilever of 1.2m at 45 degrees over the existing units air handling units as shown within the report.*
 - *I would however request that the applicant be asked to provide a test report once the works are completed confirming that the calculated noise attenuation has indeed been achieved and the cladding and acoustic barrier have been installed in accordance with the recommendations set out in The Vanguardia Report ref. 0051253.*
15. Heritage – Concerns raised to original design of flue. No comment provided on amendments.

Representations

16. Site notices were posted in the vicinity of the site on 10/01/2022 with an expiry date for consultation of 11/02/2022. Neighbour letters were also sent to adjacent properties. Following the receipt of amended plans to clad the flue and to show the fan units and new fencing and enclosures an additional period of public consultation has been undertaken with an expiry date of 05/08/2022.
17. A total of 20 public representations have been received, all raising objection. The issues raised comprise the following:-

*Excessive noise and disturbance – day and night
Harm to conservation area
Ugly appearance of flue*

Key Issue(s)

18. The key issue(s) involved with this proposal are:

- Impact on the character and appearance of the area/heritage impact
- Impact on neighbouring residents

19. These issues will be considered along with other matters relevant to this proposal below.

Policy context

20. Local documents:

Core Strategy (2012)

Policy CS7 – Bournemouth Town Centre
Policy CS38 – Minimising Pollution
Policy CS39 – Designated Heritage Assets
Policy CS41 – Quality Design

District Wide Local Plan (2002)

Policy 4.4 – Development in Conservation Areas

Town Centre Area Action Plan (2013)

Policy D4 – Design Quality
Policy U7 – Cafes and Restaurants

Supplementary Planning Documents:

- Bournemouth Town Centre Development Design Guide SPD 2015
- West Cliff and Poole Hill Conservation Area Appraisal (draft)

21. National policy:

National Planning Policy Framework (“NPPF” / “Framework”) (2021)

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions 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 of this Framework taken as a whole.”

The following sections are also particularly relevant:

Section 16 – Conserving and enhancing the historic environment

Paragraph 194 – *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary”.*

Paragraph 199 – *“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.*

Paragraphs 201 and 202 relate to the level of harm. 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”.*

Paragraph 203 relates to ‘non-designated heritage assets’ and states that *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.*

22. The following chapters of the NPPF are also relevant to this proposal:

- Chapter 2 – Achieving sustainable development
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places

Planning Assessment

Impact on the character and appearance of the area/heritage impact

23. This application relates partly to an existing unauthorised extraction flue which has been installed on the western side of the existing hotel building. It replaces a previous extraction flue which was located in the courtyard area to the north side of the building. The flue is located adjacent and just to the south of an existing fire escape staircase. It emerges from the building on the ground floor, supported by a steel frame structure, and rises up the side of the building, terminating above the eaves.
24. It was considered that the bulky flue addition did not have a positive appearance on the building so amendments were secured during the application process to clad the flue and equipment in brick slip cladding to match the existing building. The extraction flue would not be an overly prominent addition, obscured behind a wider section of the building to the south

and the fire escape stairs to the north, but would have some visibility from the adjacent site to the west which is an open site occupied by blocks of flats. It is considered that the additional cladding will help to disguise the flue somewhat. It would not hide the shape and height above the eaves, but would appear more as a traditional chimney feature than an industrial extraction flue. Details of the materials would be required by condition to ensure a satisfactory appearance.

25. Five fan units have also been installed along the western side, adjacent to the two storey extension. These are not readily visible from outside the site and do not have a detrimental impact on the character and appearance of the area. There is however an acoustic enclosure for the units and a new boundary fence proposed in this location in order to screen neighbouring properties from noise, which will replace existing boundary treatments in this location. The acoustic enclosure sits on an existing 700mm stone plinth and has an overall height including the plinth of approximately 2.6 metres. It has a cantilever section to the top. The enclosure is a single storey structure and is sited mostly adjacent to the single storey building which forms the entrance to the underground car park on the neighbouring site. Site levels are also a little higher on the site to the west so this does not appear as a prominent addition. The new fence is 2 metres above the existing low boundary wall, giving a total height of around 2.7 metre from the Savoy side. This is a little high and prominent for a fence, but in the context of the large buildings on each side, as well as other intervening structures and landscaping it would not appear overly tall, and would not have a significant effect on the street scene, set well back from the road and located adjacent to the entrance to an underground parking area. Subject to being stained an appropriate darker brown colour it is considered that the fence would not have a harmful impact on the character and appearance of the conservation area.
26. The site is also subject of wider redevelopment proposals, also the subject of current planning applications. The new proposals for extensions to the hotel would not affect this flue proposal and it appears it will remain as a permanent addition. It is not clear about the five fan units in this respect as the adjoining extension is to be replaced.
27. This is a large hotel which is on a relatively open site and visible on most sides. It is accepted that some plant and extraction equipment is required to serve the commercial building, and the west side is perhaps the most discreet location.
28. Overall, due to the brick cladding, and relatively screened location, the proposed extraction flue would not have a harmful impact on the character and appearance of the West Cliff and Poole Hill Conservation Area. The fencing and fan enclosures are tall but again in a location which is not prominent. The proposed development would therefore 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. In accordance with the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed development would preserve the character and appearance of the conservation area.

Impact on neighbouring residents

29. The extraction flue is located on the western side of the site adjacent an adjoining residential block of flats known as Bayview Gardens. This is a 6 storey block of 36 flats with numerous flats facing the application site, with windows and balconies at a distance of around 15 metres from the closest affected properties. The previous extraction system was sited much further away from neighbouring residents. The new extraction flue was installed on site without consent and raised a significant number of complaints regarding noise. The five fan

units are also a source of noise complaint. These are sited slightly northward also facing another block known as Tower Court.

30. It was clear that the installations had not followed the recommendations BS4142: "Methods for rating and assessing industrial and commercial sound". The applicants subsequently submitted a noise assessment which indicated the plant equipment was creating an adverse or significant adverse impact to some neighbouring flats' balcony areas (up to 10dB above background noise level). The sound levels were *"above the upper range of guideline values given in BS8233 both for external amenity spaces, and for internal ambient noise levels within bedrooms at night... it is therefore considered that, in line with government policy, mitigation should be applied in order to avoid the significant adverse effects, and where possible minimise any residual adverse effects"*.
31. The objectors in the adjacent block also commissioned their own noise assessment, which came to a similar conclusion of "significant adverse impact" to some neighbouring flats. There has since been a high level of engagement between the applicants and the objectors in order to resolve the issue, such that the acoustic consultants acting on behalf of the applicant (Vanguardia) and the consultant appointed by Rebbeck Brothers (Impact Acoustics) have now reached an agreement on the proposed works to control noise from the Extraction Flue and Air Handling Units. The specification of the works are outlined in the Impact Acoustics Report reference: IMP7130/2 Industrial Noise Impact Assessment: Installation of New Plant and the Vanguardia Acoustics Report reference: 0051253-0820-0 Savoy Bournemouth Noise Assessment and Outline Mitigation. The Environmental Health Officer is satisfied that both parties are confident that the proposed works will be effective at alleviating the concerns raised by the local residents regarding noise.
32. Mitigation includes works to the fan intake and ducting, additional acoustic foam to internal fans, motor cover fitted, additional attenuated internal supply air duct, addition of an acoustic fence at ground level to replace existing boundary treatment, cladding/shrouding of the flue and all other external equipment including the fan casing.
33. While none of this has yet been installed and tested it is considered that the parties agree it will be effective and a condition can require a further test report once the works are complete to confirm that the calculated noise attenuation has indeed been achieved and the cladding and acoustic barrier have been installed in accordance with the recommendations set out in The Vanguardia Report ref. 0051253.
34. Most of the objections relate to noise, with few referring to odour. The extract flue terminates above the eaves of the hotel, which is above the level of all the adjacent flats with the exception of the adjacent top floor flats in Bayview Gardens. In addition to the noise report, details of filters and odour control can be provided by condition to ensure continued maintenance of this aspect.
35. Overall, it is considered that the existing unauthorised flue is having a detrimental impact on neighbouring residents, but with sufficient mitigation it is considered that these noise impacts can be overcome. The proposed development, subject to the relevant conditions, will therefore meet the requirements of relevant policies including CS38 and CS41 of the Core Strategy.

Community Infrastructure Levy

36. The proposed development is not liable for a CIL charge.

Planning Balance / Conclusion

37. In terms of the overall planning balance, it is recognised that there has been a detrimental impact to neighbouring residents, but careful consideration and the applicant working together with the objectors has led to an appropriate solution being put forward with multiple mitigation measures, with the additional failsafe of further testing and mitigation to ensure that the required noise reductions are achieved. The proposed flue is not of high quality design but it is recognised that this is a working hotel and the flue has been located in a relatively discreet location and will be clad to improve the appearance and appear more as a traditional chimney.
38. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that the proposed development would be in accordance with the Development Plan. Subject to compliance with the conditions attached to this permission, the proposed development 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 decision are set out above.

Recommendation

39. **GRANT permission subject to:**
(a) the following conditions

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:

PA-01
MBS-5285-HOTEL
777-055/A
777/100 Rev. A (flue detail)
777/100 Rev. C (fence)
777/101

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

2. Noise mitigation measures and confirmation

The use of the development hereby permitted shall cease within one working day and the development hereby permitted shall be removed from the application site within fourteen days of the date of failure to meet any one or more of the requirements set out in (a) to (d) below:

- (a) within one month of the date of this decision full details of the mitigation measures as outlined in paragraphs 1.57 – 1.61 of the Noise Assessment ref. 0051253-0820-0 dated 14 January 2022 from Vanguardia Acoustics shall have been submitted to the local planning authority for approval in writing, such details to in particular include:
- (i) the specific design, materials, colour and location of the acoustic fence referred to in the assessment;
 - (ii) the brick slip cladding material details;

- (iii) details for the on-going maintenance of the measures such as is necessary to ensure their on-going effectiveness; and
- (iv) a timetable for its implementation;
- (b) within three months of the date of this decision [or any relevant prescribed period (whichever is the later)] if the local planning authority refuse to approve the details or fail to give a decision an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
- (c) if an appeal is made in pursuance of (b) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Secretary of State;
- (d) the approved measures and details shall have been carried out and completed in accordance with the approved timetable;
- (e) within one month of installation of the approved measures and details a verification report shall have been submitted to and approved in writing by the local planning authority to demonstrate that the noise levels identified in condition 3 below are being met or in the event of such noise levels not being met the verification report shall include additional mitigation measures required to meet the required levels, a timetable for their provision and details for their future maintenance to ensure their on-going effectiveness; and
- (f) in the event of the approved verification report including further mitigation measures the approved further mitigation measures shall have been implemented in accordance with the timetable in the approved verification report.

Upon the implementation of the various approved measures and details specified in this condition, those measures and details shall thereafter at all times be retained and maintained in accordance with the approved details.”

Reason: To protect the amenities of nearby residents in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

3 Noise levels

The rating level of sound emitted from the extraction equipment and plant hereby approved shall at no time exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014).

Reason: To protect the amenities of nearby residents in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

4. Odour control

The use of the development hereby permitted shall cease within one working day and the extraction flue hereby permitted shall be removed from the application site within fourteen days of the date of failure to meet any one or more of the requirements set out in (a) to (d) below:

- (a) within one month of the date of this decision a scheme for the control and extraction of fumes, gases, odours and other effluvia from the site shall have been submitted to the Local Planning Authority for approval in writing, such details to in particular include menu details, dwell times (to ensure odour reduction and adequate fume dispersion in accordance with DEFRA guidance on Control of Odour and Noise from Commercial Kitchen Exhaust Systems), and a maintenance schedule for the

specified kitchen extract system including frequency of pre filter and carbon filter replacement.

- (b) within three months of the date of this decision [or any relevant prescribed period (whichever is the later)] if the local planning authority refuse to approve the details or fail to give a decision an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
- (c) if an appeal is made in pursuance of (b) above, that appeal shall have been finally determined and the submitted details shall have been approved by the Secretary of State;
- (d) the approved measures and details in relation to odour control shall have been carried out and completed in accordance with the approved timetable;

Upon the implementation of the various approved measures and details specified in this condition, those measures and details shall thereafter at all times be retained and maintained in accordance with the approved details.”

Reason: To protect the amenities of nearby residents in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

Background Documents:

Case File – ref 7-2021-4988-AQ

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

Background Documents