

# Planning Committee

Application Address	Elstead Hotel, 12-14 Knyveton Road, Bournemouth, BH1 3QN
Proposal	Outline Outline submission to demolish existing buildings and erection of a block of up to 59 apartments with associated residents' gym and cinema, surface and basement parking, access and storage
Application Number	7-2022-5377-AB
Applicant	Pierfront Developments
Agent	Chapman Lily Planning Ltd
Ward and Ward Member(s)	East Cliff & Springbourne  Cllr Sara Armstrong Cllr Anne Filer Cllr Anne-Marie Moriarty
Report Status	Public
Meeting Date	15 February 2024
Summary of Recommendation	<b>Grant in accordance with the details set out below and for the reasons as set out in the report, subject to conditions and the completion of a Section 106 Agreement.</b>
Reason for Referral to Planning Committee	<p>28 Letters of objection have been received. Also, Cllrs Sara Armstrong and Anne Marie Moriarty called the application in for the following reasons:</p> <ul style="list-style-type: none"> <li>- Quality of the proposed build</li> <li>- Privacy of residents – overlooking resident's gardens and reducing light</li> <li>- Loss of an asset of immense community value (swimming pool, gym, as well as a venue for training, events, family gatherings and weddings)</li> <li>- The removal of a hotel would deprive the area of an important contribution to tourism and a much-needed source of employment in the area</li> <li>- Demolition – the area is already undergoing and in the impact of the demolition of some large properties. This has resulted in noise, dust and an increase of rats in the area. There are also concerns about the environmental and increased CO2 impacts of demolition in a small area that is densely populated</li> <li>- Environmental impacts on biodiversity and the protection of trees and wild life in the area.</li> </ul>

	<ul style="list-style-type: none"> <li>- Unacceptable number of the proposed parking spaces</li> <li>- Adverse impact upon existing local parking provision</li> <li>- Questioned if the proposed development would meet current housing need, and the affordability of the proposed units</li> <li>- Impact on the existing sewerage system</li> <li>- Questioned if the infrastructure sufficient to support the development, and does the proposed development align with the local plan</li> </ul>
Case Officer	Piotr Kulik
Is the proposal EIA Development?	No

### **Description of Proposal**

1. This application seeks for an outline permission for the proposed demolition of an existing hotel to build a block of up to 59 apartments with associated residents' gym and cinema, surface and basement parking, access and storage. The accommodation schedule shown on the revised plans indicates a living arrangement comprising 22 x 1-bedroom flats and 37 x 2-bedroom flats.
2. Aside from the principle of outline consent, the applicant seeks determination of the following matters:
  - **Layout** – the way in which the buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
  - **Scale** – the height, width and length of each building proposed in relation to its surroundings
  - **Access** – this covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
  - **Appearance** – the aspects of a building or place which determine the visual impression it makes, excluding the built form of the development.
3. The following are not included although illustrative plans have been submitted to give an indication of the planning implications:
  - **Landscaping** – this is the treatment of private and public space to enhance or protect the site's amenity through soft and hard measures, for example, through planting of trees or hedges or screening by fences or walls.

### **Description of Site and Surroundings**

4. The application site consists of an existing hotel, which includes a mix of traditional, two-three storey brick or rendered buildings with bay windows under tile or slate roofs and more contemporary blocks of flats of up to four storeys under pitched or mansard roofs. The existing buildings on site consist of a range of three buildings, including two Victorian villas with an infill building.
5. The Elstead hotel is a three storey building with 54 hotel bedrooms. It has parking for approximately 37 vehicles together with a small service yard to the rear which is only accessible via a steep ramp which is unsuitable for commercial vehicles. To the rear of the property is a single storey extension used as a gym and small swimming pool constructed in the 1970s. The hotel has limited facilities but does have

a restaurant with approximately 100 covers together with a bar for hotel residents. Three small meeting rooms are also available to hire.

6. Knyveton Road itself is a broad avenue, with wide grass verges both sides and mature, and some TPO trees within this verge and more widely contains a range of buildings and uses, including professional service providers, flats and care homes.
7. The site lies within the built-up area of Bournemouth, close to the Lansdowne and rail station. There is a coarse grain of development created by large buildings sitting within generous plots with large gaps between buildings that enable views through to build form and soft landscape behind. The site lies within Parking Zone B, where car parking for a residential scheme should be provided in accordance with Table 9 of the Parking Strategy SPD.
8. The site is located within the East Cliff Conservation Area. Development at East Cliff originally took the form of substantial mid to late Victorian period villas set in large grounds and served by mainly wide tree-lined roads. There is now a great diversity of architecture and buildings within this spacious setting, with the Victorian architectural presence still evident inland of the clifftop. Grove Road is unusual in this area in that it is a narrow highway bordered for much of its length by smaller scale buildings, including one or two Victorian lodges, to the cliff top villas. The nearest listed building is a Grade II Listed Langtry Manor Hotel located approximately 0.2 mile towards the west of the application site.

### **Relevant Planning History:**

9. *Application Site:*

7-2005-5377-AA: Erection of a gazebo/smoking shelter – Refuse

7-2004-5377-Y: Erection of a conservatory and boundary wall to Hotel – Grant

10. *Craven Court, 8-10 Knyveton Road:*

7-2022-1707-F: Non Material Amendment to application 7-2020-1707-D to remove basement storage area, relocation of cycle store, alterations to elevations and floor to floor height increased - Regulation 3 – Grant

7-2021-1707-E: Non Material Amendment to vary application 7-2020-1707-D to alter rear elevation – Grant

7-2020-1707-D Demolish existing building and erection of a 3/4 storey block of 24 flats with parking, bin and cycle storage - Regulation 3 – Grant

11. *24 Frances Road:*

7-2022-28452-A: Change of use from residential dwelling (Use Class C3) to HMO with 6 bedrooms (Use Class C4) – Grant

7-2023-28452-B: Alterations, single storey rear extension, alterations to fenestration, and erection of single storey detached annexe to rear to facilitate change of use from C4 HMO (6 bedrooms) to sui generis (larger HMO) to include the addition of one self-contained one-bedroom flat – Refuse

### **Constraints**

- East Cliff Conservation Area

- Grade II Listed Langtry Manor Hotel
  - Tree Preservation Order due to Conservation Area status
12. In considering whether to grant planning permission or permission in principle for development which affects a listed building special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest - section 66 - Planning (Listed Buildings and Conservation Areas) Act 1990.
  13. 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**

14. 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**

15. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations”), for the purposes of this application, appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
16. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.
17. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
18. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

### **Consultations**

19. Urban Design Officer – Objection
20. Summary of comments:
  - Site frontage remains dominated by parking layout, which is at odds with the requirements of the Parking Standards SPD

- Large expanses of hard landscaped areas detract from the appearance of the scheme and dominate some views into and through the development
- The cycle store and visitor cycle parking should be located in a more prominent and convenient position, close to the building entrance at ground level
- Access to the cycle parking is substandard
- Cycle parking for non-standard cycles does not meet current standards
- A hard and soft landscape plan is needed to illustrate how retained trees will be protected from development and how new planting will enhance the landscape setting of the site and wider Conservation Area
- The inability to successfully balance landscape, parking, built form and open space suggests overdevelopment of the site

21. NHS Dorset – No objection subject to a financial contribution

22. Dorset Police – Raised concerns regarding on-site layout arrangements

*'There is a footpath that suggests unrestricted access around the building, which would leave rear windows vulnerable to intruders. The underground car park if left with an unrestricted access could in this location be very welcoming to rough sleepers, but also may encourage criminals to try and work their way into the site. With a cinema, Gym and the large bicycle store at the lower ground floor level, I would encourage careful access control steps be taken from the outset. With such a large complex I would be advising consideration of not just an audio-visual visitor intercom, but also a stand-alone camera recording main entrances usage. It appears that the communal door will provide access to a set of mailboxes, which again I would suggest be covered by a CCTV system. I cannot make out the door system for the bin store, but again this needs to be secured carefully.'*

23. Ecologist - No objection, subject to ecological enhancements and a restriction on the vegetation clearance on site

24. Highways - No objection, subject to conditions

#### Summary of comments:

The access and car parking arrangements remain as previously proposed and considered acceptable. The revised living arrangement generates a residential parking demand for 96 cycles. Plans show a total of 116 spaces within the resident cycle store, comprising 92 Sheffield stands (8 accessible stands) and 24 two-tier spaces. This provision is a significant improvement upon previous proposals and represents a convenient parking arrangement for future residents.

The overprovision of 30 spaces is not considered to result in material harm in this location and subsequently, mitigates the need to provide car club provision. Details pertaining to dedicated operational parking can be secured by condition. The provision of 'active' electric vehicle charging infrastructure (EVCI) for 50% of the parking spaces in conjunction with passive EVCI for the remaining spaces accords with Section 3.6. Additionally, the provision of 2 disabled bays is also policy compliant.

The proposed parking and turning arrangements within the site accord with the layout and design guidance detailed within Section 3.2 of the Parking SPD. Additionally, the proposed access arrangement to/from the basement parking area largely accords with the geometric requirements detailed within Section 4.3 of the ISE publication Design recommendations for multi-storey and underground car parks (fourth edition) March 2011.

Visitor parking (6 spaces) remains acceptable. The revised access arrangement to/from the cycle store is also an improvement upon previous designs. The access path measures 2m in width and incorporates an appropriate ramp gradient between landing/resting platforms, all of which is acceptable in principle.

As per paragraph 3.3.15 of the Parking SPD, where underground cycle parking is proposed, a step-free cyclable access must be provided. Given that this scheme is not proposing the conversion of the existing building but instead seeks a new build development, there appear to be no existing physical constraints that necessitate a stepped access.

Amended plans were provided to remove the steps fronting the cycle store access path in order to overcome the LHA's ongoing concerns regarding the design of the cycle parking and associated access arrangements. The scheme is now acceptable.

25. Planning Policy – No objection

*'The proposed development would result in the loss of tourist accommodation and would therefore have to comply with Policy CS28 and the Tourist Accommodation SPD. It is noted that a Viability Assessment has been submitted. The Tourism Officer will be assessing the proposal for compliance with Policy CS28 and the Tourist Accommodation SPD.'*

*If the proposal is compliant with Policy CS28 and the Tourist Accommodation SPD, the principle of residential accommodation is acceptable as it is in a sustainable location, within 400 m of the Lansdowne area of the town centre and a key transport route. The criteria for residential development is set out in Policy CS21: Housing Distribution across Bournemouth. The proposal is for the demolition of the existing hotel and erection of a block of 59 flats comprising 21 x 1 bed and 38 x 2 bed flats. Evidence from the BCP and Dorset Local Housing Needs Assessment 2021 indicates that there is a greater need for 2 and 3 bed housing in BCP than 1 bed (5% 1 bed, 35% 2 bed, 40% 3 bed and 20% 4 bed).*

*The hotel falls within the East Cliff Conservation Area and Policy CS39: Designated Heritage Assets is relevant.*

*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'.*

26. Wessex Water – No objection

27. Tourism Officer – Support

The Applicant has satisfied the viability information test required therefore Tourism support this application.

28. Conservation Officer – Objection

Summary of final comments:

Following negotiation, the scheme has been improved, however unfortunately it still isn't quite striking the right balance, with the disbenefits outweighing the benefits. The loss of the existing altered Victorian villas to one large flat block in the manner proposed would overall fail to preserve & enhance the conservation area, with a degree of less than substantial harm not justified as there would be less harmful options here to achieve a similar level of accommodation.

29. Dorset and Wiltshire Fire and Rescue – No objection subject to compliance with Building Control regulations

30. Environmental Health – No objection, subject to conditions

Summary of comments:

There is no objection to the proposed works subject to implementation of sufficient control measures to manage the arising impacts through the implementation of a construction/demolition plan; ensuring properties are designed so as not to exceed the noise criteria as specified in Section 7.7 of BS8233:2014; and mitigating any noise impacts arising from the associated uses and to avoid conflicts of uses.

31. Tree Officer – No objection, subject to conditions

Summary of comments:

No objections to this proposal subject to a condition requiring compliance with a revised arboricultural method statement and tree plan, a condition for all the information specified within part 4 of the arboricultural report under specific construction technique appraisal, a condition for a detailed soft landscaping scheme that includes new tree planting for this site and a condition for a soft landscaping maintenance scheme'.

32. Waste Management Officer - No objection

Summary of comments:

The proposed works are acceptable subject to conditioning a private waste collection company arrangement on site.

## **Representations**

33. Site notices were posted in the vicinity of the site on 14/10/2022 with an expiry date for consultation of 04/11/2022. There was also press advertisement on 07/10/2022 with an expiry date for consultation of 04/11/2022. Further re-consultation site notice was displayed on 17/11/2023 with an expiry date for consultation of 27/11/2023.

34. 28No letters of objection from neighbouring properties were received. The grounds for objection are as following:

- Overdevelopment
- Scale and Massing
- The proposed building is too height
- Design
- Loss of the existing local community asset
- Loss of local jobs
- Demolition of the existing building is not environmentally sustainable
- Demolition of the existing hitel and new construction will create high levels of CO2
- Flats and not desirable and the community needs family houses
- Unacceptable density of residential flats on site
- Unacceptable size of the proposed flats
- Overlooking
- Overbearing impact upon the street scene and adjacent neighbours
- Loss of light
- Parking concerns/ Inadequate on-site parking provision
- Highway safety
- Noise nuisance
- Drainage
- Land stability concerns
- Waste Management
- Security concerns on site
- Loss of the existing hotel, which is considered cultural heritage

- 45 people will lose their jobs
- Loss of on-site trees

35. Bournemouth Civic Society comments:

*'This is an application to demolish the existing hotel which was reconstructed in a quasi modern/quasi traditional style in the 1960's and to replace it with a three/four storey structure designed in late nineteenth century, seaside mansion flat style, containing a mixture of free market and holiday apartments. The site is within the Poole Hill and West Cliff Conservation Area.*

*The built footprint not so different in size from the existing one would support a generally rectangular block capped by a complex hipped roof with two prominent gabled projections and an elaborate corner belvedere tower on the principal elevation; interspersed by symmetrical vertical, single and wider triple sized windows.*

*The Society very much approve of the proposed design. For in view of the recently completed flat complex on the site of the Montague Hotel in late nineteenth century romantic style and the likely redevelopment of the Chequers Hotel in the form of another mansion flat complex on either side of the West Cliff Inn we think there is now a reasonable prospect that the amount of the destroyed original townscape of the West Cliff will be revived.*

*Therefore on account of the full acceptance of this application of the conservation policies of the Bournemouth Local Plan, the Society feels it should be allowed'.*

### **Key Issue(s)**

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

- Principal of development
- Tourism
- Impact on character and appearance of the area
- Impact on residential amenity
- Living conditions for future occupants
- Highway safety
- Sustainable energy
- Ecology
- Trees
- Drainage
- Waste and Recycling
- Heathlands contribution
- Affordable Housing
- Community Infrastructure Levy

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

### **Policy context**

38. Local documents:

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

Policy CS1 – NPPF Presumption in Favour of Sustainable Development

Policy CS2 – Sustainable Homes and Premises

Policy CS3 – Sustainable Energy and Heat

Policy CS4 - Surface Water Flooding

Policy CS6 – Delivering Sustainable Communities

Policy CS7 – Bournemouth Town Centre



Policy CS14 – Transport Infrastructure  
Policy CS15 – Green Travel Plan and Transport Assessments  
Policy CS16 – Parking Standards  
Policy CS17 - Encouraging Greener Vehicle Technologies  
Policy CS18 – Increasing Opportunities for Cycling and Walking  
Policy CS21 – Housing Distribution Across Bournemouth  
Policy CS28 – Tourist Accommodation  
Policy CS33 – Heathlands  
Policy CS38 – Minimising Pollution  
Policy CS39 – Designated Heritage Assets  
Policy CS40 – Local Heritage Assets  
Policy CS41 – Quality Design

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

Policy 4.25 – Landscaping  
Policy 4.4 – Development in Conservation Areas  
Policy 6.10 - Flat development  
Policy 8.2 – District Distributor Roads

### **Supplementary Planning Documents:**

Affordable Housing – SPD  
Dorset Heathlands Planning Framework – SPD  
Tourism Accommodation - SPD  
BCP Parking Standards – SPD  
LTN1/20 – Cycle Infrastructure Design (2020)  
Town Centre Development Design Guide – SPD  
Residential Development: A Design Guide – PGN  
Sustainable Urban Drainage Systems (SUDS) - PGN  
East Cliff Conservation Area map and summary (revised 1988)

### **39. National Planning Policy Framework (“NPPF” / “Framework”) 2023**

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:

- approving development proposals that accord with an up-to-date development plan without delay; or  
- 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.

The following chapters of the NPPF are also 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

### **Planning Assessment**

#### Principle of the proposed development

40. Both paragraph 14 of the NPPF, and CS1 of the Core Strategy place a presumption in favour of sustainable development. The site is considered acceptable for residential intensification, as

acknowledged by Policy CS21 of the Core Strategy. It also occupies a sustainable location to the west of Boscombe Town Centre and close to the Bournemouth Travel Interchange. The development would make a significant contribution towards local housing supply in a sustainable location on a brownfield site. 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, and the weight attached to the provision of housing is significant. The issues are weighed in the overall balance in the conclusion of this report. The 59 units across 0.3 represents a density of around 180dph. This density is considered to be compatible with the surrounding area especially accounting for the fact that it will displace an existing intensive tourist accommodation use.

41. The hotel is in the East Cliff Conservation Area and in a good tourism location, close to the town centre and within approximately 20 minutes' walk to the beach. The proposed development would result in the loss of tourist accommodation and would therefore have to comply with Policy CS28 and the Tourist Accommodation SPD. This proposal is for the erection of a 5 storey block of 59 flats. A key issue is the impact on tourism accommodation provision and whether the proposal meets the tests required by the Tourist Accommodation SPD. The Tourism Officer assessed the proposal for compliance with Policy CS28 and the Tourist Accommodation SPD. As the proposal is supported by the Tourism Team (this issue would be further discussed below) and therefore is compliant with Policy CS28 and the Tourist Accommodation SPD, the principle of residential accommodation is acceptable as it is in a sustainable location, within the town centre and adjacent to a key transport route. The applicant has submitted revised plans and viability information which is to the satisfaction of Tourism and is in line with the Tourism SPD. Tourism now supports this application.
42. The criterion for residential development is set out in Policy CS21: Housing Distribution across Bournemouth and Policy U2. Amongst other criteria, these policies seek a mixture of unit sizes and Policy CS21 refers to the SHMA. Evidence from the BCP and Dorset Local Housing Needs Assessment 2021 indicates that there is a greater need for 2 and 3 bed housing in BCP than 1 bed (5% 1 bed, 35% 2 bed, 40% 3 bed and 20% 4 bed). The proposed housing mix for the 59 market flats is 22 x 1-bedroom flats and 37 x 2-bedroom flats, therefore 63% of the overall number of residential units would be 2-bedroom properties. The proposed housing mix is on balance acceptable given a sustainable location near to the Town Centre and a significant housing boost of 59 units to the current supply. This should also be weighed up against the overall merits of the proposal discussed further in this report.
43. Paragraphs 123, 124 and 127 of the NPPF highlight the importance of the reuse of brownfield sites. Paragraph 123 states: "Planning policies and decisions should promote an effective use in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic plans should contain a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or brownfield land."
44. Paragraph 125 of the NPPF states: "Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this framework."

#### Tourism

45. The existing property is occupied by Elstead Hotel, a 54-bedroom hotel situated to the East of Bournemouth Town Centre, with a few other tourism accommodation providers near-by. Key findings from the 'Bournemouth, Christchurch & Poole Hotel & Visitor Accommodation Research (March 2021)' indicate that *'There are some significant quality issues with Bournemouth's hotel offer. The resort has too many low quality, dated hotels; a lack of branded hotels; and very few of the more contemporary and innovative hotel offers that are coming forward in other UK destinations'*. This research goes further that the priorities for Bournemouth are *'the managed exit of hotels and guest houses that cannot contribute to the world-class resort ambition', as well as 'Bournemouth has a significant stock of lower quality and midmarket hotels'*.

46. Paragraph 5.1.2 of the research states *that 'there are 11 major hotel development proposals in Bournemouth, Christchurch and Poole with the potential to deliver more than 1200 bedrooms over the next 10 years; "Seven of these would replace existing hotels with c. 500 bedrooms, so the net gain would be nearer to 700 rooms if all these schemes went ahead'.*
47. Many new national budget and branded hotels have recently opened in Bournemouth. This includes the 292 room Hilton Hotel, a 129 room Premier Inn and another 105 room Premier Inn. The existing secondary hotel market can no longer compete against these new hotels, especially with their extra services such as spas, roof top bars, cafes and multiple restaurants.
48. The property has been marketed for sale for more than the minimum 18-month period required and that little interest has been expressed by the market. The provided marketing evidence shows extensive brochure and website advertising, which resulted in no views or offers. Despite the property being extensively marketed by multiple agents over a substantial period (since 2019) there has been no deliverable interest from operators looking to acquire the building for tourism use. It has been proven that the hotel is not a financially viable business.
49. According to the management, the fact that the hotel has a swimming pool helps with bookings and is an essential part of their offer and should it be closed, they would expect to lose further bookings as it would not be possible to differentiate their hotel from the many similar ones nearby. Whilst it does not add to the individual room rate, it does add significant benefit the occupancy rate of the hotel which is essential to its operator.
50. Following a site visit by Tourism Officers on the 6th December and receipt of subsequent clarifications from the Agent around marketing of the business, current viability and review of alternative tourism redevelopment options, the Council's Tourism Officer is satisfied that the non-viability test as set out in the Tourism SPD has been met. The provided evidence was in form of accounts details, forecast business plan and the marketing report.
51. There is an important difference between the 2004 SPG and the 2016 SPD. This is highlighted at the end of Section 6.2 of the 2016 SPD where it confirms that should a business not be viable there will be no harm to the tourism market following a change of use. The supporting policy which will justify the change of use is set out in Paragraph 6.2 of the Tourism of Accommodation Supplementary Planning Document April 2016, which states *'The second strand of Policy CS28 seeks to ensure that any loss of tourism accommodation will not harm the function of the area in relation to the tourism industry and the local community.'* *"In contrast where business is shown to be unviable with no potential of becoming viable it clearly will not provide a useful contribution to the function of the area, and therefore its loss will cause no harm.'*
52. Also, the 2016 Tourism SPD sets out the test for considering viability for change of use or creation of self-catering holiday flats. Section 8.1 states that proposals for self-catering flats will be considered an acceptable alternative or supplement to traditional hotel type accommodation, provided that the use can be assured by means of condition or legal agreement. This is designed to recognise that the operation of a successful holiday let business often requires a business model with operators needing to accept the potential of regular income over a period of time as opposed to, for example, the short-term profit gained by a developer seeking to sell completed properties.
53. 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. It should be also noted that the unviability of self-catering accommodation is supported by a recent Appeal decision (PINS Ref: APP/V1260/W/20/3244741) in connection with the Hotel Riviera in West Cliff Gardens. The Inspector considered the viability of a 36-bedroom hotel and deemed it no longer viable. The Planning Inspector also considered self-catering accommodation as an alternative to the tourism model and stated *'Together with the present number of self-contained apartments, and the number of unbuilt apartments already with planning permission locally, this suggests that there is a lack of demand in this sector'.*
54. Section 9.1 of the Tourism SPD states that where the viability evidence confirms that the site or premises are not capable of providing a viable holiday accommodation use either in the existing form

or redevelopment involving an appropriate element of tourism accommodation then residential uses will be considered. The Applicant has satisfied the viability information test required therefore Tourism support this application.

55. In addition, the provision of much needed residential dwellings will help alleviate pressure on Greenfield sites and those close to areas of special protection, such as the Dorset Heathland, furthermore the proposed development will result in a number of socio-economic benefits which are a material consideration.

#### Impact on character and appearance of the Conservation Area

56. The nearest listed historic asset is a Langtry Manor Hotel, which is Grade II Listed. However, this Grade II listed building is set approximately 0.2 mile away from the application site on a different road (Derby Road). Therefore, there is no considered any harmful impact upon the setting of this listed building caused by the proposed works and the proposals complies with the local plan Policy CS39.
57. The site is located within the East Cliff Conservation Area (ECCA). Development at East Cliff originally took the form of substantial mid to late Victorian period villas set in large grounds and served by mainly wide tree-lined roads. There is now a great diversity of architecture and buildings within this spacious setting, with the Victorian architectural presence still evident inland of the clifftop.
58. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty for the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (S72). The NPPF at Chapter 16 then provides guidance upon *Conserving and enhancing the historic environment, including Designated Heritage Assets, which includes Conservation Areas and Listed Buildings*, although Craven Court itself is not listed.
59. East Cliff Conservation Area (CA) is characterised by a moderately loosely grained, suburban character within a sylvan setting, parts of the conservation area planted largely but not exclusively with native evergreen trees. The application site is located in the northern part of the conservation area which extends southwards to the ECCA cliff side. The buildings within this part of the conservation area are mainly large Victorian houses with later blocks of flats, all of which are set well back from the road and often have very generous plots. The buildings are often partly obscured from the road with plentiful greenery.
60. The subject property is located within the "Christchurch Road" 'character area.' In the emerging Appraisal the Christchurch Road 'character area' is described: *"– the tree-lined grid of the parkland is the overriding quality with a diverse range of building styles, united by high quality of design centred on the historic main thoroughfare of Christchurch Road."*
61. The emerging Appraisal sets out the special interest of the CA as partly quoted.

*"Significance of the site and its components: Same landowning family to this day for multiple generations since the laying out of the area; Relationship to natural characteristics/topography – chines, cliffs; Trees first, buildings second; Planned estate of large residential plots; Layers of screening to boundaries – trees planted to roadside verges, then footway, then another layer of denser planting to plot boundaries; Consistency of two or three story villas set back from the street front and surrounded by planting; Continual renewal, redevelopment but consistently high quality architecture with repetition of materials and detailing"*

62. The designation of the East Cliff as a conservation area took place in the late 1980s to seek to retain the Victorian heart of the East Cliff in the face of a gradual loss of original villas to flat blocks. As the emerging appraisal notes, *'the conservation area is of historical significance as a planned late C19th development....the continued process of renewal and historical development – which continues to the present day – is evidenced by the variety in period, character, style and scale of the built environment. The quality of architecture is generally high and united by materials and detailing, and adds further significance to the conservation area.'* It is noted that policy 9 of the appraisal states that (p125) *'demolition is likely to only be permitted for the replacement of buildings that are negative contributors to the conservation area'*. It is considered that a redevelopment scheme would need to be of a very

high quality and of an appropriate scale in order to accept the loss of what is a traditional period villa dating with the original development of the East Cliff.

63. The existing hotel consists of three sections, a 19<sup>th</sup> century building on the west side with late 20<sup>th</sup> century additions; an early to mid-20<sup>th</sup> century infill structure in the centre of the site and the most notable part of the range on the east side is the 19<sup>th</sup> century villa with 20<sup>th</sup> century additions. Both Victorian villas have been detrimentally re-roofed with other detrimental alterations carried out, particularly to the smaller villa throughout the years. The evolution of historic villas on site lead to detrimental conversion and loss of the original gap between those two buildings. However, the existing hotel still retain some of the legibility of the original street layout of well spaced-out villas.

64. The 'emerging' Conservation Area Appraisal notes on page 47 that the site makes a 'neutral' contribution to the character and appearance of the Conservation Area. On page 38, the 'emerging' CA Appraisal describes 8-10 Knyveton Road -and implicitly includes the subject property - in the following paragraph:

*"To the north side of the street are a series of Victorian villas in buff brick with rendered detailing, some have been altered most noticeably 8-10 Knyveton Road, which are now conjoined, united with a mansard roof to form one large hotel."*

65. The Council's Conservation Officer noted that it is not desirable to lose the existing Victorian building on site or to formally merge the plots with one large building, losing the ability to 'read' the site as previously housing two separate villas. Despite the loss of the Victorian part of the site being regrettable, the Conservation Officer noted that unsympathetic alternations to the existing hotel throughout the years, there is scope for redevelopment of the site. Furthermore, the consultee confirmed that the Art Deco approach is acceptable in principle subject to acceptable design, bulk and landscaping.

66. In line with paragraph 208 of the NPPF (looking at public benefit and harm to Designated Heritage Assets), the Council's Conservation Officer considers that the proposal is likely to cause "less than substantial harm" to the character and appearance and significance of the conservation area. The degree of public benefit to be gained as a result of the proposed development would need to be balanced against any harm to the significance of the Conservation Area resulting from the proposal. To address some of the concerns raised by the Conservation Officer, the scale, massing, and width of the proposed building has been reduced during the lifespan of the application.

67. Paragraphs 208, 209 and 212 of the NPPF relate to the assessment of the potential impacts of a proposal on designated heritage assets, which in this case is the broader East Cliff Conservation Area:

*"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..."*

*"...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."*

*"...Loss of a building (or other element) which makes a contribution to the significance of the Conservation Area...should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area...as a whole."*

68. So, in this case, Elstead Hotel is not a Listed Building, so can be described as a *Non – Designated Heritage Asset*, and therefore it is the broader East Cliff Conservation Area (ECCA) that is the *Designated Heritage Asset*, and therefore the assessment of this proposal must be made in the light of this broader area, and not simply whether the loss of the building itself would result in "*substantial harm or less than Substantial harm (to the Conservation Area)*". It is also the impact of the proposed development on the ECCA as a whole.

69. In this specific case the “*significance of the asset*” is the broader designated ECCA and its setting, and this much wider area does contain buildings of a varied range of ages, architectural styles, heights, with newer infill development too, which have replaced (demolished) other buildings within the ECCA. One such development is immediately to the east, The Pines, 16 Knyveton Road, which is a relatively modern infill four storey block of flats, with a mix of soft and hard (including parking) landscaping to the front, and both protruding and recessed balconies. Another site immediately set westwards benefits from a planning permission for ‘Demolish existing building and erection of a 3/4 storey block of 24 flats with parking, bin and cycle storage’ granted in April 2021.
70. Under paragraph 212 of the NPPF local planning authorities should look for opportunities for new development within Conservation Areas and the setting of heritage assets, to enhance or better reveal their significance. Under paragraph 208 of the NPPF, “less than substantial harm” resulting from a development proposal needs to be weighed against the public benefits of the proposal. The degree of any public benefit to be gained from the proposed development would need to be weighed up against any harm to the significance of the heritage assets. It is your officer’s view that the proposal, subject to agreed final revisions would comply with the NPPF and the Local Plan which require that any development preserves or enhances the historic and architectural significance of heritage assets and ensure that it reveals the significance and value of the site within their setting. The proposal is satisfactorily, and would meet those requirements, as well as there is identified a significant public benefit in form of 59 residential units into a local housing supply.
71. There is no identified conflict with a saved Local Plan Policy 4.4, as well as Policy CS39 of the Core Strategy as the design, scale and massing of the proposed block of flats would not be harmful to the predominant character of buildings within vicinity. The proposed footprint would have a width matching the existing hotel hence the relationship of the plot would respect the pattern of development and other plots. Also, the proposed street scene elevations plans indicate that the existing character of the locality would be sustained.

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

72. The site lies within the built-up area of Bournemouth, close to the Lansdowne and rail station. There is a coarse grain of development created by large buildings sitting within generous plots with large gaps between buildings that enable views through to built form and soft landscape behind. The street is tree lined, which enhances the feeling of spaciousness. The existing built form consist of a mix of traditional, two-three storey brick or rendered buildings with bay windows under tile or slate roofs and more contemporary blocks of flats of up to four storeys under pitched or mansard roofs.
73. Elstead Hotel consist of two modernised Victorian structures and the principle of its demolition is not objected by both the Conservation and Urban Design Officer. It is noted that the existing building is not listed or locally listed and of no significant architectural merit. As such it makes a neutral contribution to the character and appearance of the conservation area, particularly due to the unsympathetic additions and amendments and the amount of hard surfacing which surrounds the building.
74. In terms of height there are a mix of building heights in the street, from the smaller two storey original villas to taller post war blocks of flats up to six storeys or more. The proposed street scene drawing indicates that the building would be a similar height to the existing overall and would sit comfortably in the street scene in terms of height, an exception being a front tower element which rises higher to emphasise the art deco architectural style of the proposed building.
75. It should be noted that initial comments from the Urban Design Officer confirmed that there is no objection in principle to height, form, scale and mass of the proposed development subject to support from the Conservation Officer. Following revisions to the initially submitted application, the overall scale and massing of the originally proposed building was reduced by revising the width to align with the existing hotel, as well as stepping in at the upper level. The width of the front elevation now proposed has been reduced and does not exceed that of the existing building, thus maintaining the separation distances to adjacent buildings. The stepping down of the building as requested by the case officer has been achieved by lowering a section of the balcony parapet.

76. In terms of detailing, further interest was added to the side elevations, the front tower element has been enhanced, fenestration revised, the flagpole removed with design prompts taken from the Echo Building on Richmond Hill. Such approach works more successfully in terms of stepping in the upper floors and creating a more slender silhouette. Also, the fenestration has been amended to adopt a more typical art deco style. It should be noted that the fenestration details could be controlled by a planning condition if necessary. Also, the roller-shutter door to the refuse room should be replaced with a door that will maintain the visual balance of the building and not appear as an incongruous feature on the south elevation. Full details of materials and finishes are needed and would be conditioned. However, the principle of rendered elevation is not objected as there is a mix of external facing materials including render and brick. The provision of photovoltaic panels is noted and supported.
77. Both the Council's Conservation Officer and Urban Design Officer consider that large expanses of hard landscaped areas detract from the appearance of the scheme and dominate some views into and through the development. As such, a key remaining concern raised by both the Conservation and Urban Design Officer is over the soft landscaping. A plan has been submitted to illustrate the differences between the proposed and the existing soft landscaping, to seek to justify the amount of parking on the frontage. Additional greenery across the wider site is achieved and the amount of the proposed parking bays to the front (12no.) is less than the current arrangement. The applicant demonstrated that the soft landscaping proposed is 1012sq. metres whereas the existing is only 387sq. metres. The existing block paving coverage is 1265sq. metres whilst the proposed is 1112sq. metres. Also, the existing hotel's footprint is 1393sq. metres where the proposed building would cover 930sq. metres. Overall, it is considered that the site would be enhanced even with 12 parking spaces retained to the front. The existing frontage is entirely given over to an unbroken tarmac car park with absolutely no relief in the form of landscaping to screen it from the Public Domain, so its contribution towards the character and appearance of the existing conservation areas is minimal. The proposed scheme would deliver some gains in terms of soft landscaping.
78. The case officer requested basement parking be provided to improve soft landscaping to the front of the site; however, the scheme as originally tabled included basement parking. The reduction in the width of the building and the accommodation of addition cycle storage space has also impacted on the space available within the basement area, (as well as slightly increasing external space). As mentioned above, as part of the amended plan pack a green space comparison plan has been provided which confirms that the scheme will in fact provide for an enhanced amount of green space, including across the frontage, compared to the existing arrangements. Given that the key consideration for the Conservation Area is whether the development will preserve or enhance the character and appearance, the case officer agrees that increasing the amount of green space over that existing is an enhancement.
79. It should be noted that hardstanding with parking spaces to the front of properties is a common feature along the road and some properties have excessive hardstanding coverage for parking (e.g. Spring Corner Veterinary Centre at No. 4, Day Nursery at No. 6, Craven Court Adjacent to the site, Cransley 7B opposite the application site, or Linkfield Court at No. 19). Furthermore, it should be noted that Craven Court adjacent to western boundary of the site, benefits from a planning permission for a 3/4 storey block of 24 flats (ref. 7-2020-1707-D) granted in April 2021. The permission allowed 9no. parking spaces to the front with hard surfacing across a smaller size site when compared to the application site. A total of 30 parking spaces are proposed, which is above the requirement set out in the adopted parking standards. However, the case officer consider that parking spaces will add value to the scheme, as well as will slightly reduce a local parking pressure discussed by some of the objectors.
80. Although Landscaping remains a reserved matter, consideration of hard and soft landscape remains a fundamental and integral part of the master planning process and must be developed alongside the building and site layout rather than be treated as an element to be retrofitted at a later date. The GI and landscape form important and significant elements of the site infrastructure and can greatly enhance streetscapes and sense of place. Given the heritage significance of this site, additional plans and the landscape comparison provided by the applicant was assessed by the case officer and is considered acceptable. Landscaping details would form part of a future application dealing with landscaping details, but the case officer consider that the site is able to comfortably allocate acceptable balance between hard and soft landscaping.

81. Overall, the development is considered to be acceptable to the street scene. For the reasons outlined above, the proposal accords with planning policies CS21, CS39, CS41, 4.4, 4.25 and 6.10 which, in part, require development to complement and respect the character of neighbouring development, ensure that development is of high quality and to be of good design.

#### Impact on Trees

82. Although Landscape remains a reserved matter, consideration of hard and soft landscape nevertheless remains a fundamental and integral part of the master planning process and must be developed alongside the building and site layout rather than be treated as an element to be retrofitted at a later date. GI and landscape form important and significant elements of the site infrastructure and can greatly enhance streetscapes and sense of place and a hard and soft landscape plan should be submitted at the earliest opportunity. This is particularly important on a site such as this, within a Conservation Area, where a sylvan setting is important and GI and landscape form not only important and significant elements of the site infrastructure but also greatly enhance heritage significance, streetscapes and overall sense of place.
83. The arboricultural information submitted is a high quality assessment of this proposal in relation to this sites important trees. One low quality tree will be lost with these proposals which I do not object to and there is scope for new tree planting at this site. Tree pruning specified is minor and not of harm. Tree protection measures proposed are fully suitable for this proposal for the sites trees to be retained and for trees on adjoining land. Specialist measures are proposed for this site for tree protection and these are specified in section 4 of the arboricultural report under Specific Construction Technique Appraisal. This appraisal was assessed by the Council's Tree Officer, who found the relevant specifications to be feasible.
84. Further revised plans were submitted showing reduction of the proposed building's footprint and the Council's Tree Officer considers that final revisions will be achievable without tree harm. A revised arboricultural method statement and tree protection plan will be required to cover the site plan changes.
85. In overall, the proposed works are not objected by the Council's Arboriculturist, subject to compliance with the arboricultural method statement, and providing a detailed soft landscaping scheme that includes new tree planting for this site and a condition for a soft landscaping maintenance scheme. Such details would be further assessed at the reserved matters stage considering landscaping details. On this basis, the proposal would be compliant with Policy 4.25.
86. Impact on residential amenity
87. Section 3.7.1 of the adopted Residential Development: A Design Guide is relevant in terms of privacy and requires the following minimum back to back distances:



### 3.7.1 Privacy

People's privacy is normally affected by the degree in which their property is overlooked. In most urban areas a degree of overlooking is inevitable, however new proposals should not cause an increase in harmful overlooking.

Criteria	Standard
Minimum back to back distance between parallel 2 or 3 storey buildings (with rear facing windows but no living room windows on upper floors).	21.0m
Minimum back to back distance for 3 storey buildings with rear facing living room windows on upper floors and for buildings of 4 or more storeys.	25.0m
Minimum back to side distance for 2 or 3 storey buildings with rear facing windows on the back elevation facing the side elevation of another property with no windows or obscure windows.	12.5m
Minimum front to front distances for 2 storey dwellings.	10.0m

88. The site has a street frontage to front with neighbouring plots to each side and rear boundary line. The proposed footprint would retain the same separation distances between each side facing neighbouring property adjacent immediately to the east and west of the site, No. 16 (The Pines) and 8-10 (Craven Court) Knyveton Road (improved by 0.5 metre) respectively. The gap between the north facing (rear) boundary would decrease by approximately 23 metres when removing single storey extensions, and around 15 metres due to removal of existing up to four storey extensions well. Therefore, the siting of the replacement building would improve the visual gaps between the application site building and adjacent neighbours. The impact on the amenities of neighbouring occupiers has been assessed as follows:
89. **No. 16 (The Pines)** is a detached 4 storey to the front and 5 storey to the rear block of flats set to the east of the application site. No. 16 has a traditional design built of render and brick with pitched roof gable ends. This neighbouring build has both habitable and non-habitable windows along its side elevation facing the application site. The existing hotel also has a mixed of habitable bedroom windows, and non-habitable bathrooms and stairwell windows facing No. 16. There are also external stairs along the rear elevation wall. The proposals will introduce 2no. habitable bedrooms and 2no. non-habitable kitchen windows along a side elevation facing No. 16. The size of windows would be reduced when comparing to the existing ones. The proposed bedroom windows will overlook the existing stairwell windows of the neighbouring properties. Whereas kitchen windows will be set approximately 9 metres away from neighbouring windows, which very likely serve habitable rooms. There are also proposed numerous balconies facing The Pines. Nevertheless, given the existing relationship between the hotel and No. 16, The proposed works would unlikely lead to an adverse increase overlooking or overbearing effect upon the adjacent neighbouring amenities to set to the east of the site.

90. **Properties along Frances Road** opposite the application site are traditional two storey detached houses with at least 19 metres long gardens. Those plots are significantly set below a ground level of the application site. Single storey extensions of the hotel are set along the edge of the application site, whereas four storey elements with hotel's bedroom windows facing the rear are set approximately 15 metres (for the western wing) and around 24 metres (for the eastern wing) from the northern/ rear boundary line. The proposed block of flats would have numerous habitable bedroom and living space, as well as balconies areas facing north. Those windows would be set between 16 and 23 metres away from the rear boundary line of the application site. The design of the proposed building would increase the bulk of higher, in this case, 5 storey elements with rear facing habitable windows. However, given, separation distances of at least 35 metres from nearest residential houses set along Frances Road, those properties would not be harmfully overlooked as the Council's minimum back-to-back distance for 4 storey and more buildings is 25 metres. Rear garden amenities would be in fact overlooked although such relationship is not uncommon in a dense urban setting.
91. **Craven Court, 8-10 Knyveton Road** is adjacent immediately to the western boundary of the site. This neighbouring site consist of an original Victorian villa that has been altered by an unsightly Mansard roof, which wraps around the original frontage and the three storey bays. The site is currently used as a care home and has number of windows, which face the site and most directly the existing bedroom windows. The existing hotel also have large glazing serving stairwell facing the neighbour, Those windows appear to serve habitable rooms and are not obscure glazed hence direct overlooking of and from the site currently exist. Craven Court site also benefits from a recent planning approval for a 3/4 storey contemporarily designed block of 24 flats granted under planning reference 7-2020-1707-D in April 2021. The approved drawings shows 4 number windows serving habitable rooms along the side elevation facing the site (1<sup>st</sup> and 2<sup>nd</sup> floor), as well as 1no. habitable windows on a 3<sup>rd</sup> floor level facing the site.
92. The proposed works would move the building's footprint away from Craven Court between 0.5 metre and 1.5 metre. Also, the size and number of windows facing Nos. 8-10 would be reduce when comparing to the existing relationship. Similarly, as on the other side of the proposed building, there would be 2no kitchen and 2no bedroom windows on each floor above the ground floor level facing the adjacent neighbour. Given the existing relationship and overall site arrangement, the impact upon the neighbouring amenities facing west would not be altered to a level warranting planning refusal in terms of loss of privacy or overbearing affect.
93. As such, there would be no material loss of privacy and the proposal would comply with Policies CS21, CS41, saved LP Policy 6.10 with regards to protecting the amenities of neighbouring uses.

#### Future living conditions

94. The Governments Technical Standards provide guidance on the size of accommodation that is proposed. Each of the proposed flats will have rooms that would benefit from a window and natural light The proposals would also need to provide acceptable living accommodation for future residents meeting the Governments Technical Housing Standards (THS) as specified by the technical guidance. The Council uses the DCLG Technical Housing standards to inform the quality of internal living environment for new dwellings.
95. National space standards require the following gross internal floor area for a 1-bedroom and 2-bedroom units:
- 1 bedroom, 1 person dwelling set over 1 storey – 37 square metres
  - 1 bedroom, 2 person dwelling set over 1 storey – 50 square metres
  - 2 bedroom, 1 person dwelling set over 1 storey – 61 square metres
  - 2 bedroom, 2 person dwelling set over 1 storey – 70 square metres
96. The proposal is for 22no. 1-bedroom between 39.7 and 58.5sq. metres units, 37no. 2-bedroom between 63.1 and 66.7sq.metres flats. Therefore, floorspace of these units would be in line with the minimum space standards. The proposals would also occupy a sustainable location within proximity to local

services and amenities, as well as numerous flats on first and second floor level would benefit from private balconies.

97. Some of the units are corner aspect, with windows facing in two directions, improving outlook and natural light. However, Flats 1-4, 9-12, 20-23, 32-35, 44-47 inclusive and 55 and 56 all have a northerly, single aspect. Such arrangement may result in an over-reliance on artificial light. Nevertheless, the case officer is aware that it is not always possible to provide dual aspect windows to all flats in case of 50+ units developments. Following latest revisions, the Urban Design Officer noted that the bedroom of Flat 4 requires a window to avoid oppressive living conditions and reduce over-reliance on artificial light. In response to that, a revised floor plans were provided where there is insertion of window into bedroom of flat 4. The position of the bedroom adjacent to the cycle store access may result in disturbance to future residents. However, balancing the benefit of the overall scheme, as well as allowing access to natural light is considered to be acceptable. This particular windows can be conditioned to be high level type to protect privacy of future occupiers of flat 4.
98. All units would have access to outdoor amenity spaces, predominantly in form of balconies, as well as outdoor patio areas and communal spaces serving lower deck apartments. Also, all flats would have access to underground policy compliant bike storage, and ground floor refuse store, reducing the pressure on the internal space needed to store bikes or waste, and increasing the space available around the building for amenity use. Factoring these mitigations into the assessment, the majority of flats within the proposal would provide an acceptable mix of internal and external living space.
99. Also, the proposed units would have acceptable outlook, with wide view towards the front and rear of the site, as well as separation distances from side boundaries between approximately 5 and 7 metres along eastern and western boundaries respectively. This is a south-coast location, where outdoor living is a defining characteristic. The site occupies a highly sustainable location with major supermarkets and the Town Centre within proximity, as well as a beach and over cliff trails that can be reached in approximately 15 minutes' walk.
100. The development involves demolition of a large building within close proximity to existing neighbouring residential properties. The Council's Noise Officer raised concerns that noise, vibration and dust impacts arising from the demolition and construction stages could adversely impact these existing residents and therefore we would advise the developer to carefully consider and implement sufficient control measures to manage the arising impacts through the implementation of a construction/demolition plan.
101. The site is located in an area near a busy road, St. Swithens Road exposed to frequent noise from road traffic which may adversely impact future residents of the proposed development if sufficient insulation is not installed within the properties. Noise from road traffic should be assessed to adequately protect future occupants ensuring properties are designed so as not to exceed the noise criteria as specified in Section 7.7 of BS8233:2014. Similarly, the layout, design and orientation of the proposed units should mitigate any noise impacts from a gym and cinema use. A detailed scheme for protecting the proposed residential units from both external road traffic noise and internal noise would be conditioned.
102. Furthermore, the site is situated in proximity to neighbouring businesses and residential properties and noise/vibration and dust could adversely impact these occupiers during the demolition and construction stages of the development. Therefore, to adequately protect amenity and following the consultation with the Environmental Health Officer, a set of planning conditions would be introduced requiring a detailed scheme of acoustic insulation measures, as well as a Demolition and Construction Environmental Management Plan (DCEMP).
103. The Council's Noise Officer also noted, it is not known if any externally mounted plant or equipment is proposed to service this development. If plant/equipment is proposed to be installed in the external amenity areas during reserved matters stage, a condition is recommended to any approval granted requiring a noise impact assessment to be carried out and submitted to demonstrate that noise from the operation of the plant/equipment will not adversely impact existing and proposed residents.
104. Given the above, it is considered that the proposed works would comply with provisions of Policy 6.10 of the Bournemouth District Wide Local Plan 2002 (the Local Plan), Policies CS21 and CS41 of the

### Highway Safety

105. The application site is located in proximity to Bournemouth town centre and within easy walking and cycling distance of local facilities and public transport connections. Bus stops are located on the A35 Christchurch Road approximately 270m and 315m south of the application site for eastbound and westbound services respectively via Annerley Road. Bournemouth railway station is approximately 640m walking distance north-west of the application site. The station provides secure, sheltered storage for 118 bicycles.
106. The application site is located on land to the north of Knyveton Road, Bournemouth. Knyveton runs on a broadly east/west alignment between St Swithun's Road to the west and the A35 Christchurch Road to the east. It is subject to a speed limit of 30mph. Footways are present along both sides of Knyveton Road and the surrounding highway network. On-street parking is available along both sides of Knyveton Road in designated bays. On-street parking is restricted between the hours of 10am and 7pm Monday to Friday for 2 hours, with no return within 1 hour. Onstreet parking on Knyveton Road east of Derby Road and on Annerley Road and Woodford Road south of the site are un-restricted.
107. The planning process seeks the opportunity to improve safety and conditions by applying current higher standards of design, build and safety of new developments, and not to retain or continue with past obsolete standards. Vehicular and pedestrian access into the site will remain as existing. Such arrangement, as well as a car parking provision on site is not objected by the Local Highway Authority (LHA) Officer and is considered to be acceptable.
108. The BCP Council adopted the new Parking Standards Supplementary Planning Document (SPD) on 5 January 2021, which came into immediate effect. The site falls within Zone A hence the benchmark parking standards for flats is zero-car parking. For holiday flats the benchmark car parking standards are outlined in the SPD Table 11 C3: Holiday accommodation (holiday flats, self-catering apartments and serviced apartments): All zones it is 1 car parking space per apartments and 1 secure covered cycle space/bed.
109. The LHA Officer noted that the overprovision of 30 spaces is not considered to result in material harm in this location and subsequently, mitigates the need to provide car club provision. The provision of 'active' electric vehicle charging infrastructure (EVCI) for 50% of the parking spaces in conjunction with passive EVCI for the remaining spaces accords with Section 3.6. Additionally, the provision of 2 disabled bays is also policy compliant.
110. The proposed parking and turning arrangements within the site accord with the layout and design guidance detailed within Section 3.2 of the Parking SPD. Additionally, the proposed access arrangement to/from the basement parking area largely accords with the geometric requirements detailed within Section 4.3 of the ISE publication *Design recommendations for multi-storey and underground car parks (fourth edition) March 2011*. The gradient of the ramped access, including transition ramps, is acceptable whilst the internal visibility splay proposed around the corner of the access at the rear of the site, facilitates practical and convenient use.
111. The revised living arrangement generates a residential parking demand for 96 cycles. Plans show a total of 116 spaces within the resident cycle store, comprising 92 sheffield stands (8 accessible stands) and 24 two-tier spaces. This provision is a significant improvement upon previous proposals and represents a convenient parking arrangement for future residents. Visitor parking (6 spaces) remains acceptable. The revised access arrangement to/from the cycle store is also an improvement upon previous designs. The access path measures 2m in width and incorporates an appropriate ramp gradient between landing/resting platforms, all of which is acceptable in principle.
112. A slightly revised cycle store layout was provided to accommodate some of points raises by the Urban Design Officer including a greater proportion of Sheffield stand provision, enlarged accessible spaces, charging pints added to some Sheffield stands for electric bikes, repair area identified with air pump

and locker. Additionally, the lower ground floor plan also includes locker and chaining space next to the gym area which can be used by cyclists as well. A final revisions as shown on a drawing no. 1857P.201b – *Proposed Site Plan* Drawing no. 1857P.202c – *Proposed Lower Deck*, indicate that the steps fronting the access ramp to the cycle store have been removed to overcome the LHA's concerns. The revised ramp design incorporates an acceptable arrangement and gradient.

113. Final revisions are not objected by the LHA subject to conditioning details of vehicle parking/ turning, electrical vehicle charging points, cycle parking, and a construction management plan. Consequently, the proposals would comply with the aims of Policies CS 16, CS17, CS18 and CS41 of the Bournemouth Local Plan: Core Strategy (2012), as well as aims of paragraphs 112 and 116 of the National Planning Policy Framework (2021) which seek new development to provide safe and suitable access for all, and to give priority first to pedestrian movements.

#### Sustainable energy

114. Policies CS2 and CS3 of the Core Strategy require developments to be sustainable and to embrace the use of renewable/low carbon energy generations. A condition would be required to outline the final design in this respect and meet the requirements of the relevant policies.

#### Ecology

115. The Council's Ecologist was consulted and raised no objection to the proposed works subject to conditioning the mitigation and biodiversity enhancement as given in section 5 and appendix 4 of "Ecological Assessment Report Elstead Hotel, 12-14 Knyveton Road, Bournemouth, Dorset BH1 3QP" by ABR Ecology Ltd; as well as not allowing a site clearance within the bird breeding period.
116. On this basis, the current proposal complies with provisions of the NPPF, which further seeks net gains for biodiversity, policy CS30 which seeks to promote green infrastructure and policy CS35 which seeks to promote the Borough's biodiversity and geodiversity interests.

#### Drainage

117. The application site qualifies as major development and therefore requires our ongoing involvement as a technical consultee. All (major) development proposals have to be supported by a (conceptual) strategy of surface water management in accordance with the National Planning Policy Framework (NPPF), which demonstrates both that the proposed development and any adjoining property or infrastructure are not to be placed at risk, or to suffer from any worsening.
118. The site sits within Flood Risk Zone 1, where low risk of flood exists. The land is previously developed with a drainage system connected to the sewer network. Following an initial consultation response of with a holding objection from the Local Lead Flood Authority (LLFA) further ground investigation had been conducted to substantiate the proposals. The drainage plan included within Appendix 5 of the supporting FRA (ref: 5765/001 Rev. A) indicated the provision of two separate soakaway structures, as the key elements of proposed conceptual drainage strategy, although these preliminary structures were seen to be positioned to the north and rear of the site and would therefore be within the element of the site thought to be overlain with clay (BGS), which would compromise the assumed reliance upon infiltration. The presence of a designated surface water sewer aligned within Knyveton Road offered a suitable contingency arrangement subject to adequate attenuation of surface water and agreement from Wessex Water regarding the allowable discharge rate.
119. Further to the initial response from the LLFA and requested (holding) objection the applicant has supplied additional clarification and supporting information, namely a letter to the LLFA dated 15/02/2023, which represents an addendum to the original FRA document and a revised drainage plan (ref: 5765/002 Rev. A) which therefore supersedes the plan (ref: 5765/001 Rev. A) included within Appendix 5 of the FRA. This new information confirms that the intended conceptual drainage strategy is reliant upon attenuated discharge to the adjacent surface water sewer at a maximum rate of 2.6l/s (2x 1.3l/s), via two attenuation structures, one of which will require a pumped arrangement. Given the

prevailing constraints in terms of topography, ground levels and geology, this conceptual arrangement is considered acceptable and compliant, subject to prior commencement planning conditions requiring a submission of a detailed surface water management scheme, as well as finalised details of maintenance and management of the surface water sustainable drainage scheme.

#### Waste and Recycling

120. A waste management plan should be provided to include operational details for the proposed collection arrangement. It was agreed that the private waste collection would be conditioned via a waste management plan, which would need to be updated after any change in building management in perpetuity. The plan should include: details of a management company to be set up; 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 (such as the employment of a person or persons to ensure bins are wheeled to and removed from the collection point after emptying), and that bins will not be stored in the open or at the collection point apart from on the day of collection. As such, the proposed works would meet the requirements of the Waste Collection Authority (WCA) subject to conditioning a Refuse Management Plan.

#### Heathland Mitigation

121. 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.
122. Therefore, as of 17<sup>th</sup> January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures towards the designated sites. A capital contribution is therefore required and in this instance is £19,529 (59x £331 per flat), plus a £976.45 administration fee as per April 2023 rates. A legal agreement has been prepared by the Council although not sealed at the time of writing this report.

#### Affordable Housing

123. 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.
124. In this case the applicant has submitted an Economic Viability Assessment, which has been assessed by the District Valuer Service (DVS). The final assessment concludes that the proposed development is not sufficiently viable to make a contribution towards the provision of affordable housing although a review clause might be appropriate in case of granting planning permission, in line with paragraph 009 of the PPG. The review of affordable housing contribution has been included into a S106 agreement.

#### Community Infrastructure Levy

125. The development proposal is liable to a community infrastructure levy charge. The CIL calculation for this development using the 2023 indexation will be £175,921.86.

#### **Planning Balance / Conclusion**

126. As outlined above, the public benefit of 59 residential units into the area which cannot demonstrate a sufficient housing supply provision, outweigh the loss of the existing hotel. Given the shortfall of the number of homes delivered in the Local Plan area, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are significantly and demonstrably outweighed by the adverse impacts or where specific policies in the NPPF provide a clear reason for refusal. The tilted balance approach forms a material consideration in this case.
127. The proposal would make efficient use of a brownfield site and provide 59 additional dwellings in a highly sustainable location in terms of public transport, local amenities including shops and a short distance to seafront. This has significant weight in terms of the substantial social and economic benefits of 59 additional dwellings, during both construction and in the future.
128. The NPPF places 'great weight' on the conservation of heritage assets. The assessment in this report has concluded there would be very little, if any, harm to designated heritage assets. The Conservation Officer has, however, identified that in their opinion there would be less than substantial harm arising from proposal. Where less than substantial harm is identified the NPPF at Paragraph 202 requires this harm to be weighed against the public benefits that would occur from the development. Paragraph 203 requires a balanced judgment to be applied for applications that impact on non-designated heritage assets. In this case, the benefits of 59 residential units in a highly sustainable location in a context where there is a shortfall in housing delivery, along with a design and scale not out of character with other residential plots within proximity are considered sufficient mitigators to outweigh the less than substantial harm to the setting of the East Cliff Conservation Area (the heritage asset). These benefits also apply to any impacts that occur to the non-designated heritage assets. As such, having regard to paragraph 11d)i, the tilted balance is triggered and there are insufficient grounds for refusing permission in respect of heritage matters.
129. The proposal delivers a form of sustainable development in accordance with the development plan, when a balanced judgement is made. The proposed scheme is considered to represent on balance a good quality design that would preserve and enhance the character and appearance of the conservation area. 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 be in accordance with the Development Plan, 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**

130. **GRANT permission with the following conditions, and the completion of a Section 106 agreement with the following terms:**

### **Section 106 terms**

Financial contribution of £19,529, plus a £976.45 administration fee towards Heathlands Mitigation; as well as a viability review.

The late viability review should take place when 75% of the units are complete.

## **Conditions**

### **Outline permission conditions**

#### **1. Standard conditions:**

- a) Before any development is commenced details of "reserved matters" (that is any matters in respect of which details have not been given in the application and which concern the landscaping of the site shall be submitted to the Local Planning Authority for their subsequent approval.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995.

b) Application for approval of landscaping must be made not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

c) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-

- i) the expiration of three years from the date of grant of outline planning permission, or
- ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.  
; and to the following condition(s)

## **2 Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans: 1857P.001 rev. B; 1857P.002; 1857P.003, 1857P.004, 1857P.005; 1857P-210; 1857P-209-3D; 1857P-208; 1857P-207; 1857P.001 rev. B; 1857P-201 rev. B; 1857P-203 rev. A; 1857P-204 rev. A; 1857P-205 rev. A; 1857P-206 rev. A; and 1857P-202 rev. C.

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

## **3. Samples of materials**

Notwithstanding the annotations on the approved plans, no development above ground floor shall take place until details/samples of the materials to be used on the external surfaces of the proposed development including the bricks and balcony railings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **4. Fenestration and door details**

Drawings at a scale of not greater than 1:50 showing design and specification details of all fenestration types and doors, including reveal details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any Building Envelope works.

Reason: To ensure a satisfactory visual relationship between the existing and the new development in accordance with Policy CS39 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **5. On site working hours**

All on-site working, including demolition, plant to be operated 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).

## **6 Waste Management Strategy**

Prior to the first occupation of the development hereby approved a Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed



collection dates and times (to be informed by other developments on West Cliff Road). All waste, recycling and their storage and collection activities shall thereafter be carried out in accordance with the approved plan.

Reason: To ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities, and to accord with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **7 Bin stores**

The bin stores hereby approved shall be provided in accordance with the approved details prior to the occupation of the proposed development and shall be retained and maintained for that use thereafter.

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

## **8. Vehicular Access/Parking/Turning**

Prior to occupation of the new development hereby permitted, the proposed access, parking and turning areas shall be constructed and laid out in accordance with approved plans and permanently retained and kept available for their intended purpose at all times.

Reason: In the interests of highway safety and in accordance with policies CS16 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012).

## **9. Electric Vehicle Charging Points**

Notwithstanding details shown on the submitted plans, within 3 months of the commencement of the development, details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking SPD (adopted 6th January 2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved or any use hereby approved commencing. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason: In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policy CS17 of the Bournemouth Local Plan Core Strategy (October 2012).

## **10. Cycle Parking**

Prior to occupation of the development hereby permitted, residential and visitor cycle parking shall be laid out within the site as shown on the approved plans. The cycle store shall have a lockable door measuring 1200mm in width with keys made available to all residents and shall have internal and external illumination. All cycle parking and associated access paths shall thereafter be retained, maintained and kept available for its intended purpose, at all times.

Reason: In the interests of promoting sustainable development and active travel including the cycling mode of transport, in accordance with Policy CS18 of the Bournemouth Local Plan Core Strategy (October 2012).

## **11. Construction/ Deomolition Management Plan**

No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:

- An introduction consisting of demolition and construction phase management plan, definitions and abbreviations and project description and location
- A description of the demolition and construction programme
- A description of management responsibilities
- Site working hours and a named person for residents to contact
- Detailed site logistics arrangements
- Details regarding parking, deliveries and storage (including storage of waste and building materials)

- Details regarding dust and noise mitigation
- The cutting or other processing of building materials on site
- Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts
- Details of the hours of works and other measures to mitigate the impact of demolition and construction works on the amenity of the area and safety of the highway network; and
- Communication procedures with the LPA and local community regarding key construction issues, providing a named person for residents to contact.
- A construction programme including phasing of works;
- 24 hour emergency contact number;
- Hours of operation;
- Expected number and type of vehicles accessing the site:
- Deliveries, waste, cranes, equipment, plant, works, visitors;
- Size of construction vehicles;
- The use of a consolidation operation or scheme for the delivery of materials and goods;
- Phasing of works;
- Means by which a reduction in the number of movements and parking on nearby streets can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction):
- Programming;
- Waste management;
- Construction methodology;
- Shared deliveries;
- Car sharing;
- Travel planning;
- Local workforce;
- Parking facilities for staff and visitors;
- On-site facilities;
- A scheme to encourage the use of public transport and cycling;
- Routes for construction traffic, avoiding weight and size restrictions to reduce unsuitable traffic on residential roads;
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site;
- Locations for storage of plant/waste/construction materials;
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available;
- Any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (cyclists and pedestrians);
- Arrangements for temporary facilities for any bus stops or routes;
- Method of preventing mud being carried onto the highway;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development

## 12. Ecological Enhancements

The mitigation and biodiversity enhancement as given in section 5 and appendix 4 of “Ecological Assessment Report Elstead Hotel, 12-14 Knyveton Road, Bournemouth, Dorset BH1 3QP’ by ABR Ecology Ltd shall be implemented in full. - **Reason:** to be compliant with National Planning Policy Framework (2021) paragraph 174 “Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity”; policy CS30 “enriches biodiversity and wildlife habitat.”

### **13. Demolition**

Demolition shall be carried outside the bird breeding season of 1st March to 31st August inclusive. If this is not possible then Ecological Watching Brief as described in section 5.1.3 a 'Ecological Impact Assessment Hinton Road, Bournemouth' by Delta-Simons shall be implemented.

Reason: Prevention of disturbance to birds' nests as protected under Wildlife and Countryside Act 1981 (as amended).

### **14. Renewable or low carbon sources**

Prior to the occupation of development, details of how the development shall ensure that at least 10% of the energy used will come from decentralised and renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include the low carbon and/or renewable technology measures as detailed in the submitted energy strategy report and be implemented prior to occupation of the development and maintained thereafter unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with the requirements of Policy CS2 of the Core Strategy.

### **15. Surface water management scheme**

No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, available capacity of receiving systems and providing clarification of how drainage is to be managed during demolition and construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed. Discharge to the adjacent surface water sewer should be at a maximum rate of 2.6l/s (2x 1.3l/s).

Reason: To prevent the increased risk of flooding and to protect available receiving systems in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

### **16. Maintenance and management of the surface water sustainable drainage scheme**

No development shall take place until finalised details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To provide satisfactory drainage for the development in accordance with Policy CS4 of the Bournemouth Local Plan: Core Strategy (October 2012) and in order to achieve the objectives set out in the Local Planning Authority's Planning Guidance Note on Sustainable Urban Drainage Systems.

### **17. No external pipework on elevations**

Unless shown on the approved elevational drawings any pipework (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).

### **18. Acoustic insulation measures**

No development shall take place until a detailed scheme of acoustic insulation measures for the proposed dwellings has been submitted to and been approved in writing by the Local Planning Authority. The scheme of acoustic insulation measures shall be prepared by a suitably qualified consultant/engineer and demonstrate that the acoustic insulation and construction of the development will ensure internal noise levels will not exceed criteria in section 7 of the BS8233:2014 "Sound insulation and Noise insulations for buildings – Code of Practice". The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to protect the environmental amenities of the immediate locality and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan - Core Strategy.

## **19. Prior to installation of plant and machinery**

Prior to any plant or machinery being installed an acoustic report shall be carried out in accordance with BS4142:1997 this shall determine the rating level of noise emitted from all plant and machinery from the site. The rating level of the noise (to include the character correction) to be determined between the hours of 08:30-23:00. The noise levels shall be determined at the nearest noise sensitive premises. The report include any necessary mitigation measures required to achieve 5dB(A) below background.

Reason: In order to protect the environmental amenities of the immediate locality and in accordance with Policies CS38 and CS41 of the Bournemouth Local Plan - Core Strategy.

## **20. Post installation of plant and machinery**

All building services plant (including air conditioning units and any air handling plant etc.) shall be so sited and designed in order to achieve a Rating Level (BS4142:2014) of 5dB below the background noise level determined at the nearest noise sensitive receptor, when the plant is intended to operate.

Reason: In order to protect the environmental amenities of the immediate locality and in accordance with Policies CS 38 and CS 41 of the Bournemouth Local Plan - Core Strategy.

## **21. Sound Proofing of Dwellings**

Prior to development starting on site, details of a scheme for protecting the proposed dwellings from external road traffic noise and internal noise associated with the proposed gym and cinema shall be submitted to and approved in writing by the LPA. The scheme shall ensure that, upon completion of the development, good acoustic design will be used to achieve the following internal noise limits:

- bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 – 07:00 hours)
- living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
- dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A)

Reason: In order to safeguard the amenities of future occupiers of this noise sensitive development, in accordance with Policy CS38 of the Bournemouth Local Plan Core Strategy (October 2012).

## **22. No permitted development for telecommunications equipment**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or and Order revoking or re-enacting that Order, with or without modification, no telecommunications equipment, as permitted by Part 24 and 25 of Schedule 2 of the Order, shall be constructed without the express consent of the Local Planning Authority.

Reason: In order to protect the visual amenities of the building and the surrounding area and to preserve the character and appearance of the Conservation Area in accordance with Policies CS 41 of the Bournemouth Local Plan - Core Strategy and 4.4 of the Bournemouth District Wide Local Plan (February 2002).

### **23. Windows on Elevation to be High Level Type**

The proposed windows serving flats 4, 13 and 14 on the eastern elevation shall be of high level type (minimum 1.75m internal sill height) and shall be permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent undue overlooking of the adjoining residential property and in accordance with Policy CS41 of the Bournemouth Local Plan: Core Strategy (October 2012).

## **Informatives**

### **1. Bats**

If bats are found during demolition that all work to cease and if possible, part of structure that was removed and exposed bats put back into place. A bat ecologist employed to address situation and Natural England contacted.

### **2. No Storage of Materials on Footway/Highway**

The applicant is advised that there should be no storage of any equipment, machinery or materials on the footway/highway including verges and/or shrub borders or beneath the crown spread of Council owned trees.

### **3. Access Gate/Door**

The applicant is advised that in order to avoid contravention of section 153 of the Highways Act 1980, no door or gate should open outwards over the public highway.

### **4. Kerb and Footway Re-instatement**

As a consequence of a part vehicular access closure, the applicant is advised that it will be necessary for the kerb to be raised and the footway (and verge if appropriate) restored. Normally the Highway Authority will undertake this work at the expense of the applicant although on occasion there might be instances where the applicant under supervision can undertake this work. A Section 171 (Highways Act 1980) licence application form is available within the Bournemouth section of the council's website ([www.bcpccouncil.gov.uk](http://www.bcpccouncil.gov.uk)).

### **5. Building Control**

The assessment of this development proposal in respect of Building Control matters will be made during formal consultation, however early recommendations are identified on the attached schedules and relate to the following areas:

- Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010
- Recommendations to improve safety and reduce property loss in the event of fire.

### **6. No burning**

No burning of demolition/construction waste materials shall take place on site at any time.

### **7. Plant Operator**

At the request of the Local Planning Authority (LPA), the plant operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, whether noise from the plant meets the specified level. The assessment shall be commenced within 21 days of the

notification, or such longer time as approved by the LPA. The assessment must be submitted to and approved in writing by the Local Planning Authority.

## **8. Good acoustic design**

A good acoustic design process should be followed in accordance with the 'Professional Practice Guidance on Planning and Noise: New Residential Development' (May 2017 or later versions) to ensure that the noise criteria are achieved with windows open. Any design measures that are used to control the ingress of noise must be consistent and compatible with the requirements of Approved Documents O and F.

## **9. Waste Collection**

**INFORMATIVE NOTE:** The Council, under section 46 of the Environmental Protection Act 1990, can specify the type of bin provided for waste collections, where bins are to be placed for emptying, the emptying frequency, the items that may or may not be put into bins and the steps to be taken by occupiers to assist the collection of waste.

The EPA s46 (4e-g) state that collection arrangements (including the time when receptacles must be placed for collection and subsequently removed) can be set by the Council. With regard to these collection arrangements, the Council's website provides clear instructions of when and where bins need to be put out for collection and returned to your property

<https://www.bcpccouncil.gov.uk/Bins-waste-and-recycling/Bins/Household-rubbish-bin-collections.aspx>

Regarding bin placement on the highway, the Highways Act 1980 section 130 imposes a duty on the Highway's Authority to assert and protect the rights of the public to use and enjoy the highway. This general duty is reinforced by s.130 (3) which states that the Highway Authority have a duty to prevent, as far as possible, the obstruction of the highway.

The comments in this response relating to capacity, collections and site compliance apply to this application exclusively. Should any alterations be made to the final build that differ from the plans available at the date of this consultation, a further consultation will be necessary.

The WCA's views and refer them to the planning guidance document available here

<https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Current-Local-Plans/Bournemouth/Docs/waste-and-recycling-services-planning-guidance.pdf>

## **Statement required by National Planning Policy Framework**

In accordance with paragraph 38 of the NPPF the Council takes a positive and proactive approach to development proposals focused on solutions. The Council work with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service,
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions,

In this instance:

the applicant/agent was updated of any issues after the initial site visit, the applicant/ agent responded by submitting amended plans, which were found to be acceptable, and permission was granted.

Case Officer Report Completed  
Officer: Piotr Kulik  
Date: 30/01/2024

Agreed by:  
Date:  
Comment: