

Planning Committee

Application Address	Royal Arcade, Christchurch Road, Bournemouth, BH1 4BT
Proposal	Change of use of the upper floors to mixed office and business startup space; a mix of retail and other commercial uses at ground floor including the creation of a food hall area with pop up eateries; loss of 4 retail units to provide lift access to upper floors and ground floor toilets; partial loss of 2 retail units to provide bin stores; replacement of external ground floor doors and windows to alley; installation of cycle parking and roof mounted photovoltaics – Regulation 3
Application Number	7-2023-16746-AX
Applicant	BCP Council
Agent	ECA Architecture & Planning
Ward	Boscombe West Cllr Patrick Canavan Cllr Gillian Martin
Report Status	Public
Meeting Date	20 February 2025
Recommendation	Grant
Reason for Referral to Planning Committee	<ul style="list-style-type: none"> Need for removal of Highway contributions previously to be secured via Section 106 Agreement. Now proposed to use a condition that will secure 3no. cycle stands serving as visitor cycle parking facilities. Application previously considered by Planning Committee
Case Officer	Piotr Kulik
Is the proposal EIA development	No

Description of Proposal

- This application follows a planning committee resolution dated 1st August 2024 where a permission for the proposed change of use, including continued use of Ground Floor as Class E use, change of use of upper floors to Class E, including uses ancillary to Class E and up to 400sq. metres of Class F was granted.

2. The current application has been brought back to the committee as during formulation of a legal agreement, the applicant has decided to contribute towards visitor cycle parking facilities via a planning condition instead of a Section 106 Agreement (S106).

Description of Application Site

3. The application site is occupied by the Royal Arcade which is an impressive redbrick building of high architectural quality and appearance and a focal point within Boscombe High Street. The site is located in Boscombe District Centre and within Boscombe's Core Shopping Area. It sits within Flood Zone 1. The neighbouring building is the former Boscombe Hippodrome, now the O2 nightclub, is also of particular merit as recognised by its Grade II Listing. Both of these buildings date to the Victorian period when Boscombe rapidly grew as an area. The High Street is also characterised by many other historic buildings which make an important contribution to the character and appearance of the area.
4. The Royal Arcade was Grade II Listed in 1976 and the list description states:

'Includes Nos 2 to 18 Haviland Road West. L-plan shopping arcade (from Christchurch Road to Palmerston Road), 1892-3, Lawson and Donkin. Mixed Renaissance facade, red brick with stone, stucco and buff brick dressings: triple-arched stucco entrance to arcade, doubled in depth, over it, vast glazed lunette outlined in buff brick with rosette in each spandrel and ornate circular balcony corbelled out of keystone on sculptured plumes, all enclosed by shaped gable with 3 stepped round-arched windows, central one with septfoil tracery, behind flanking balustrades high splayed hipped roof rising to cupola with segmental pedimented bull's eye and square leaded dome with obelisk finial and vane. Symmetrical side wings, 3 storeys, with rounded corners to centre, pilastered shopfronts with egg-and-tongue cornice, scrolled pediments to 1st floor mullioned and transom windows within blind round-headed arcade, mullioned and transomed 2nd floor windows, lunette with bull's eye over in shaped gable. Similar wings to Palmerston Road facade, where the central lunette of the arcade is framed in simple flat-parapetted red brick walling. Red brick rear to Haviland Road West has workshop-type shops with living accommodation over (bargeboarded dormers). The Arcade itself has 2 walks, each of 8 bays, meeting at central octagon. Shop fronts with detached ornamental iron columns, 1st floor windows with Cinquecento tracery in glazing bars; roof with transverse iron arches supporting pitched roof of glass with pitched lantern down centre. Octagon has bow shop front to east supporting big ornamental bowed balcony (perhaps originally a cafe).'
5. The Royal Arcade was originally designed around workshop-type retail units with living accommodation above. Then, throughout the years, the current use of floors above the ground floor level has been used as offices, storage spaces and historically residential use, which is considered the current lawful use. The application site currently consists of 32no. retail units set around a central walkway. Most of the units along the basement, first, second and third floor are now vacant, but have been used previously for work spaces, storage and retail. The submitted Planning Statement identifies an average occupancy level of the ground floor units as 64% retail units, 13% storage units and 23% unoccupied units.
6. The site is located on the north side of Christchurch Road on its junction with Palmerston Road. The Arcade has a frontage to Christchurch Road, Palmerston Road and a rear entrance to the Sovereign centre service road. The site is located within the local town centre of Boscombe and is therefore well located for transport and movement networks and has good access to local amenities and services.

7. The upper floors of the Royal Arcade were originally designed to provide residential accommodation for individual shop businesses and each retail unit contained a staircase leading directly to the upper floor. Over time, the units have been adapted to accommodate the variety of uses evidenced over the years, such as office spaces and associate storage units. These changes have largely resulted in the removal of internal staircases linking the ground floor to the upper levels/ Today most of the upper level units are no longer linked to the ground floor commercial units. Looking at historic planning records, it would appear that some of the upper floor areas have been used for office purposes or retail storage associated with the shop unit within the last 30 years. A number of the units have remained vacant with the last known authorised use remaining as residential. The upper floors units have now been empty for a considerable amount of time. The reasons for this relate to the separation of the upper level units from the ground and the limitations for further adaptation of the units due to the listed status of the Royal Arcade. Complex land ownership and lease agreement have further stifled the efficient use of the building.
8. In 2016 approval was granted to bring the upper floors of the Royal Arcade back into residential use. This approval relied on the installation of external gantries to provide access to the upper floors but has not been implemented due to the complications outlined above.

Relevant Planning History:

9. There have been numerous applications over the years - those of most relevance are noted below:
10. 7-2021-16746-AV
Change of use to a Towns Fund Engagement Office including use as a local community meeting place, small engagement events, learning centre, with ancillary office, for a temporary period until 31.3.2026 - Regulation 3 – Granted
11. 7-2021-16746-AU
Listed Building Consent for investigative works to facilitate an understanding of the structural condition of the building - Granted
12. 7-2014-16746-AO
Listed Building Consent for alterations and refurbishment of the upper floors to form 11 flats – Granted
13. 7-2014-16746-AN
Alterations, refurbishment and conversion upper floors to form 11 flats - Granted
14. 7-2013-16746-AM
Listed Building Consent for alterations, refurbishment and conversion of existing offices to form 16 flats and erection of bin stores and cycle parking - Refused
15. 7-2013-16746-AK
Listed Building Consent for refurbishment of upper floor flats, external alterations including erection of external gantry and access stairs and formation of bin and cycle storage, internal alterations to ground, 1st and 2nd floors including removal and installation of staircases and partitions – Granted
16. 7-2013-16746-AJ
Change of use of existing offices to residential in association with refurbishment of upper floor flats, external alterations including erection of external gantry and access stairs and

formation of bin and cycle storage, internal alterations to ground, 1st and 2nd floors including removal and installation of staircases and partitions - Granted

Constraints

17. 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
18. The significance of the building is well documented in Sections 5 and 6 of the applicants Heritage Statement. This includes reference to its - historic importance, architectural design, plan form, shopfronts, windows and doors, decorative plaster and ceilings, timber floors, fixtures and fittings (including skirtings and architraves to windows and doors), fireplaces and chimney breasts, staircases, and its roof.

Public Sector Equalities Duty

19. 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

20. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.
21. 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

22. Additional consultee comments to the approved scheme on 1st August 2024 have been provided by the Local Highway Authority Officer. No objection raised to the imposition of a condition to secure visitor cycle facilities.

Key Issues

23. The main consideration for this application is the principle of conditioning visitor cycle parking facilities instead of agreeing a financial contribution towards visitor parking.

Policy context

24. Local documents:

Core Strategy (2012)

Policy CS1 – Presumption in Favour of Sustainable Development
Policy CS5 – Promoting a Healthy Community
Policy CS6 – Delivering Sustainable Communities
Policy CS9 – Enhancing District Centres
Policy CS16 – Parking Standards
Policy CS18 – Encouraging Walking and Cycling
Policy CS38 – Minimising Pollution
Policy CS39 – Designated Heritage Assets
Policy CS41 – Quality Design

Boscombe and Pokesdown Neighbourhood Plan (2019)

Policy BAP1 – The scale and density of development
Policy BAP2 – Good Design for the 21st century
Policy BAP3 - Shopfronts
Policy BAP9 – Christchurch Road

District Wide Local Plan (2002)

Policy 5.19 – Core Shopping Areas
Policy 6.3 – Retention of residential accommodation
Policy 6.4 – Loss of residential above shops and commercial premises

Supplementary Planning Documents:

Public Realm Strategy: Guiding Principles – SPD
BCP Parking – SPD
Waste and Recycling Services Planning Guidance Note

Emerging BCP Local Plan

It should be noted that the emerging BCP Local Plan has been published and has now been submitted for examination in June 2024, however at this stage, the emerging Local Plan attracts limited weight, although its evidence base may on occasion have information that could be material.

25. **Planning (Listed Buildings and Conservation Areas Act) 1990**

Of particular relevance to the determination of this application is:

Section 7 - No person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

Section 16 (2) - Special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

26. **National Planning Policy Framework (2024)**

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

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

- Chapter 2 - Achieving sustainable development
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 6 - Building a strong and competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 – Sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 - Achieving well-designed places
- Chapter 14 - Meeting change of climate change
- Chapter 16 - Conserving historic environment

Of particular relevance to the determination of this application is Chapter 16 ‘Conserving and enhancing the historic environment’ including the following:

Paragraph 202

‘Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.’

Paragraph 210

‘In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.’

Paragraph 212

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

Paragraph 213

‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 215:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

Planning Assessment

Principle

- 27. The principle of the proposed change of use with associated works considered under the original permission ref. 7-2023-16746-AX was agreed by members during a planning committee on 1st August 2024 (please see appendix 1 for officer’s recommendation report). This included assessment of the public benefits arising from the scheme; impact on local area character and heritage assets; impact on neighbours; living standards serving future residents; highway consideration; as well as waste management.
- 28. The current report solely considers an additional planning condition, which would remove the need for the originally suggested highway contribution relating to off-site visitor cycle parking facilities. It should be noted that the original permission pre-dates the Government requirements for statutory Biodiversity Net Gain and therefore there is no requirement for the application to provide 10% enhancements.

Highway Considerations

- 29. The Local Highway Authority originally agreed to mitigate the lack of on-site visitor cycle parking through a S106 agreement which would have delivered the cycle parking within the vicinity of the site. The Council’s Legal Department had been instructed to prepare a required legal agreement. However, during the drafting of the S106 agreement, it was concluded that the Council (as Applicant) do not have a perpetuity interest in the land and the application site owner does not want to enter into a S106 agreement.
- 30. The highway funds have been secured for the delivery of the visitor cycle parking and it is now proposed to use a Grampian planning condition to secure 3no. Sheffield cycle stands. This removes the need for a clause in the S106 Agreement relating to visitor cycle parking. This alternative mechanism is supported by the Local Highway Authority Officer.

31. It is considered that the proposed alternative mechanism to secure visitor cycle parking would still result in a policy compliant development (policies CS16, CS18 and CS41).

Planning Balance / Conclusion

32. The principle of the proposed comprehensive refurbishment works of the existing Grade II Royal Arcade has been agreed by members back in August 2024. The current report suggests removal of the originally suggested highway contribution and replacement of those by a Grampian planning condition to secure the delivery of visitor cycle parking.
33. On the basis of the information submitted with the application and subject to compliance with the conditions attached to the permission granted by members on 1st August 2024 and the imposition of an additional condition relating to visitor cycle parking, it is considered that the proposals are acceptable and that the scheme would be in accordance with the Local Plan, NPPF, Government Guidance and Government Legislation.

Recommendation

34. **GRANT permission for the reasons as set out in this report and decision report for permission granted on 1st August 2024, subject to an additional condition (#17) and a revised Section 106 Agreement:**

Financial contribution of £9,048, plus £452.40 administration fee towards Heathlands Mitigation (SAMM).

1 Work to be carried out in accordance with plans as listed

The work hereby permitted shall be carried out in accordance with the following plans:

- Drawing No 286 3 001 Rev A, Site Location Plan
- Drawing No 286 3 143, Existing First and Second Floor
- Drawing No 286 3 145, Existing Uses
- Drawing No 286 3 141, Existing Site Plan
- Drawing No 286 3 142 Rev A, Existing Basement and Ground Floor Plan
- Drawing No 286 3 144, Existing Third Floor Plan
- Drawing No 286 3 200 Rev A, Existing & Proposed South Elevation
- Drawing No 286 3 201 Rev B, Existing & Proposed North Elevation
- Drawing No 286 3 202 Rev A, Existing South & East Wings Elevation
- Drawing No 286 3 203 Rev C, Proposed South & East Wings Elevation
- Drawing No 286 3 204 Rev A, Existing West Wing Elevation
- Drawing No 286 3 205 Rev A, Proposed West Wing Elevation
- Drawing No 286 3 206 Rev B, Existing & Proposed West Elevation (Palmerston Road)
- Drawing No 286 3 301 Rev A, North Wing South Internal Elevation
- Drawing No 286 3 302, East Wing West Internal Elevation
- Drawing No 286 3 303 Rev A, South Wing North Internal Elevation
- Drawing No 286 3 304, West Wing East Internal Elevation
- Drawing No 286 3 401 Rev A, Existing Section AA

- Drawing No 286 3 402 Rev C, Proposed Section AA
- Drawing No 286 3 403 Rev A, Existing Section BB
- Drawing No 286 3 404 Rev B, Proposed Section B
- Drawing No 286 3 150 Rev C, Proposed Site Plan
- Drawing No 286 3 151 Rev A, Proposed Basement Floor Plan Part A
- Drawing No 286 3 152 Rev A, Proposed Basement Floor Plan Part B
- Drawing No 286 3 153 Rev D, Proposed Ground Floor Plan Part A
- Drawing No 286 3 154 Rev C, Proposed Ground Floor Plan Part B
- Drawing No 286 3 155 Rev C, Proposed First Floor Plan Part A
- Drawing No 286 3 156 Rev C, Proposed First Floor Plan Part B
- Drawing No 286 3 157 Rev C, Proposed Second Floor Plan Part A
- Drawing No 286 3 158 Rev C, Proposed Second Floor Plan Part B
- Drawing No 286 3 159 Rev A, Proposed Third Floor Plan
- Drawing No 286 3 160 Rev B, Proposed Roof Plan
- Drawing No 286 3 161 Rev A, Proposed Use

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

2 Submission of details – general

Notwithstanding the information on the attached approved plans and prior to the commencement of work, as it relates to each of the individual areas of work as noted below, further detail/clarification is required as follows:

- Submission of schedules of work detailing the proposed internal finish/appearance to each of the rooms/units and circulation spaces including staircases. This will identify and record where original elements/features remain (including staircase balustrade, doors, fireplaces, cornice, skirting, picture rail, floorboards, lath and plaster walls and ceilings; architrave) along with the full details relating to the nature and extent of their retention, reuse, repair/making good, refurbishment, reinstatement
- Details of the nature and extent of repairs required to timber windows (including any shopfront windows)
- Details of the nature and extent of external repairs to stonework, render, brickwork and pointing
- Details of the colour (ie RAL no.) and finish (matt/gloss) of all elements/features to be redecorated internally and externally where there is a change to the existing colour
- Details of the nature and extent of repairs to the iron entrance gates
- Details of the nature and extent of insitu roof repairs relating to the replacement of damaged/missing slates to the roof and ridge
- Details, where the slate roof covering is to be removed to install a membrane, which clarify (i) the number of slates which have been salvaged and the amount of new slates required due to shortfall (ii) the method of re-roofing (ie randomly mixing salvaged and new, or using salvaged on most visible roofslopes) taking into account any shortfall required (iii) through the submission of samples of existing, and new, slates that the existing profile, size, colour, finish and fixing match (iv) the type of roof membrane to be installed - ensuring that any product is breathable and does not alter the height or profile of the existing roof
- Details of restoration of lead work to the roof (including flashing, dressings, valleys, capping, parapets, cupola)
- Details clarifying the design, location, size and colour of roof vents
- Details on the condition of existing rooflights and the nature and extent of any repairs/replacements required
- Details of nature and extent of repair/making good required to the external ground floor doors and windows facing the rear alleyways following removal of existing boarding

- Details of the location, size and appearance of external lighting and cameras
- Colour, size and location of the external heat pump units in the alleyway
- Details of the location, material, size and colour of any new external pipework
- Details on the nature and extent of fire upgrades to existing historic timber panelled doors.
- Details of the material and appearance of new timber doors
- Details of new ironmongery required to existing doors (where currently missing) and new doors
- Details of the appearance of new partition walls and risers indicating how they would scribe around skirting, cornice and picture rail
- Large scale plan and elevation details (1:20) showing the abutment of upper floor partition walls (to toilet and staircase enclosures) with window architrave
- Details of the location of internal reco-air units to the ground floor
- Details of the installation, style, appearance and material of all lifts
- Details of the appearance of the shop front fascia (including colour, size, style) to each ground floor unit
- Photos of all the ground floor ceilings (fully recording any cornicing/moulding present) upon removal of existing suspended ceiling and prior to the provision of a new suspended ceiling
- Details of the height of new ground floor suspended ceilings, relative to the existing ceiling height and shop window) where there are currently none present or where there is a change in height from the existing
- Elevation of a typical wall opening where original partitions are to be removed showing the size of opening (including nibs and downstand) relative to features (cornice, picture rail)
- Details (section, plan, elevation) showing capping/covering/enclosure of original staircases clearly showing original staircases retained in situ
- Details (section, plan, elevation) of the new external bin store door (Haviland Road West) showing any changes to the shopwindow

All details shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

3 Installation of new services

Notwithstanding the information on the attached approved plans and prior to the installation of the HVAC system and internal services (including - internal units, pipes, cables, wires, trunking, trays, risers, lighting, heating, drainage/waste and water) details of their installation (including location/position, fixing, appearance, colour, size, run of pipework through floors/walls/ceiling/attic) relative to existing features along with works of alteration/intervention required to the fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

4 Removal of redundant services

Unless otherwise agreed in writing with the Local Planning Authority redundant internal and external services (including pipework, cables, wires, trunking, junction boxes, air condition units) and their fixings should be removed. Their removal should be undertaken carefully so as not to damage the fabric of the building. All making good should be to match the original material in all respects (ie colour, profile, material, consistency, appearance).

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

5 Removal of floorboards

Prior to the lifting of any floorboards they should be carefully labelled and photographed to ensure they are returned to the same location. They should be lifted in an appropriate manner for their size, age and fixing method and safely stored for reuse. Floorboards should be refixed in their original positions with nails.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

6 Making good

All making good required (ie when: repairing/reinstating missing stair components including balustrade and newel posts; widening openings; reinstating original walls; installing lifts; installing vents, pipes, wires and other services; plastering of holes/blown lath and plaster walls/ceilings; reinstating timber floorboards; removing redundant elements; repairing windows; replacing broken glass) - shall match the original in all respects (colour, profile, size, material, consistency/mix/type, appearance).

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

7 Use of Selectaglaze secondary glazing

Unless otherwise agreed in writing by the Local Planning Authority Selectaglaze slimline secondary glazing shall be installed. Prior to its installation large scale details (1:20) showing the approach to each window type (ie sash, casement, curved, arched) shall be submitted noting: the location of the secondary glazing; its fixing; size of individual panes; colour of the secondary glazing frame. These shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

8 Prior approval of solar panels

Notwithstanding the detail on the attached approved plans, prior to their installation details confirming: the number and location of the panels; the projection of the panels from the roof covering; fixing; colour of supporting framework; colour and finish of panels; any structural intervention required to strengthen the roof; the number of new slates if existing are damaged (to match the existing - type, profile, size, colour, finish, fixing); and, the location, appearance and fixing of associated cabling and equipment (ie inverter, isolator) shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details. The solar panels, external cabling and associated internal equipment shall be removed at the end of their useful life. All making good required to match the existing.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

9 Salvage and reuse of features

All loose features (including historic timber panel doors, balustrade, skirting, floorboards,

fireplaces, floorboards, cornice, architrave) shall be reused and incorporated into this scheme. Where features are surplus to requirements they shall be safely stored on site and remain accessible for future use.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

10 Structural Investigations

Prior to the commencement of any structural work to any area of the building full details (including a structural report), noting the nature and extent of necessary works identified following a detailed inspection/survey, and assessment of the structural condition of the building, shall be submitted to and agreed in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

11 Protection of building

Prior to the commencement of work details in relation to the protection of the external façade and internal features while the works are being undertaken, should be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

12 Cycle Parking

Before the proposed change of use of the building is brought into operation, staff cycle parking shall be constructed and arranged as shown on approved plans. The cycle parking shall be externally illuminated to ensure safe and convenient access during day and night. The cycle parking facility shall thereafter be retained, maintained and kept available for its intended purpose at all times.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

13 Construction 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:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Routes for construction traffic;

- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- 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.

14 Noise report

The proposed works shall be carried out in accordance with the ECA Architecture & Planning and BCP Council BE 16452 by Build Energy Ltd. (V2 11/7/2024 – Updated Figures and Floor Calculations) prepared by Build Energy Ltd. Report, where the specification for the secondary glazing is specified in Table 5 of the report and the specifications for the sound insulation for the ceiling between the food court and first floor is specified in Table 8 of the report. The approved noise mitigation measures shall at all times be accorded with.

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).

15 Crime prevention scheme

The details of a Crime Prevention Scheme shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Dorset Police. The approved scheme shall be implemented prior to the occupation of the development hereby approved and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of Crime Prevention.

16 Refuse Management Plan

The development hereby permitted shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: details of the 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 the collection point); and that bins will not be stored in the open or at the collection point apart from on the day of collection. The refuse management plan shall be carried out in accordance with the approved details, unless otherwise approved in writing by

the Local Planning Authority.

The Refuse Management Plan shall be implemented and complied with by the Applicant, or its successor, upon occupation of the development and the Refuse Management Plan shall be permanently retained thereafter. Should the Applicant or its successor prefer to use the larger refuse vehicles, further amendments of Traffic Orders (TRO) on Hinton Road would need to be pursued at the developer's expense and in agreement with the Local Highway Authority (LHA). A plan showing the proposed new TRO shall be submitted to the LHA for approval in writing.

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 in the interests of highway safety.

17 Off-site Works as a Pre-requisite of Development / Cycle Parking – Grampian Condition

Before the development hereby approved is occupied or utilised, 3no. Sheffield type cycle stands shall be provided on the public highway within the vicinity of the site. The cycle stands shall be designed, constructed and located to the satisfaction of the Local Planning Authority, with all associated costs to be borne by the applicant, including any necessary remedial works to the surface of the highway arising from the construction of the stands. Thereafter, the cycle stands shall be retained and maintained for their designated purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, to mitigate the impact of the development, namely the shortfall of onsite cycle parking provision, to encourage the cycling mode of transport in accordance with Policy CS18 of the Bournemouth Local Plan: Core Strategy (October 2012).

Informative Notes

1. 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.

2. Listed Building (alterations)

As alterations are being proposed to a Listed Building, before any of these works are undertaken you must obtain Listed Building Consent. Failure to do so is an offence

3. Building Regulations and Fire Requirements

Informative Note: It is assumed that consideration has been given to the requirements of the Building Control Regulations and Fire Service requirements in respect of the design of the submitted scheme and that the effects of compliance with these are represented by the application drawings. The Applicant is advised that the grant of Planning Permission does not imply that any additional works that may be required to comply with the Building Regulations will be acceptable in relation to this application.

Statement required by National Planning Policy Framework (Approvals)

The Council aims to take a solution focused, positive and proactive approach to development proposals. This includes working with applicants and agents by:

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

In this instance: The applicant was provided with pre-application advice. Following the submission of the application, the applicant/agent was updated of the need for amendments and further information to support the application. The applicant/agent responded by submitting amended plans and additional information, which was found to be acceptable, and permission was granted with conditions.

Background Documents:

Case File ref 7-2023-16746-AX

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application, the subject of this report, including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes.

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included."



Planning Committee

Application Address	Royal Arcade, Christchurch Road, Bournemouth, BH1 4BT
Proposal	Change of use of the upper floors to mixed office and business startup space; a mix of retail and other commercial uses at ground floor including the creation of a food hall area with pop up eateries; loss of 4 retail units to provide lift access to upper floors and ground floor toilets; partial loss of 2 retail units to provide bin stores; replacement of external ground floor doors and windows to alley; installation of cycle parking and roof mounted photovoltaics – Regulation 3
Application Number	7-2023-16746-AX
Applicant	BCP Council
Agent	ECA Architecture & Planning
Ward	Boscombe West
Report Status	Public
Meeting Date	01 August 2024
Recommendation	Grant
Reason for Referral to Planning Committee	<ul style="list-style-type: none">• Importance of building as part of the wider regeneration of Boscombe as per paragraph 2.3.3 point c) the application which have a significant impact on a wide number of businesses and/ or people; of the Council's Constitution• BCP Council application as per paragraph 2.3.4 (the Council is the applicant)
Case Officer	Piotr Kulik
Is the proposal EIA development	No

Description of Proposal

1. This application seeks full planning permission for the proposed change of use, including continued use of Ground Floor as Class E use, change of use of upper floors to Class E, including uses ancillary to Class E and up to 400sq. metres of Class F provision (providing a permanent skills lab for IT and other technical services). The proposed works include

creation of new cycle parking space, installation of roof mounted PV panels, provision of public conveniences and associated ancillary space, as well as replacement and repair of external doors and windows. The current Use Class Order identifies Use Class E as 'Commercial, Business and Service', and Use Classes F1 as 'Learning and non-residential institutions', and Use Class F2 'Local community uses'.

Description of Application Site

2. The application site is occupied by the Royal Arcade which is an impressive redbrick building of high architectural quality and appearance and a focal point within Boscombe High Street. The site is located in Boscombe District Centre and within Boscombe's Core Shopping Area. It sits within the Flood Zone 1. The neighbouring building the former Boscombe Hippodrome, now the O2 club, is also of particular merit as recognised by its Grade II Listing. Both of these buildings date to the Victorian period when Boscombe rapidly grew as an area. The High Street is also characterised by many other historic buildings which make an important contribution to the character and appearance of the area.
3. The Royal Arcade was Grade II Listed in 1976 and the list description states:

'Includes Nos 2 to 18 Haviland Road West. L-plan shopping arcade (from Christchurch Road to Palmerston Road), 1892-3, Lawson and Donkin. Mixed Renaissance facade, red brick with stone, stucco and buff brick dressings: triple-arched stucco entrance to arcade, doubled in depth, over it, vast glazed lunette outlined in buff brick with rosette in each spandrel and ornate circular balcony corbelled out of keystone on sculptured plumes, all enclosed by shaped gable with 3 stepped round-arched windows, central one with septfoil tracery, behind flanking balustrades high splayed hipped roof rising to cupola with segmental pedimented bull's eye and square leaded dome with obelisk finial and vane. Symmetrical side wings, 3 storeys, with rounded corners to centre, pilastered shopfronts with egg-and-tongue cornice, scrolled pediments to 1st floor mullioned and transom windows within blind round-headed arcade, mullioned and transomed 2nd floor windows, lunette with bull's eye over in shaped gable. Similar wings to Palmerston Road facade, where the central lunette of the arcade is framed in simple flat-parapetted red brick walling. Red brick rear to Haviland Road West has workshop-type shops with living accommodation over (bargeboarded dormers). The Arcade itself has 2 walks, each of 8 bays, meeting at central octagon. Shop fronts with detached ornamental iron columns, 1st floor windows with Cinquecento tracery in glazing bars; roof with transverse iron arches supporting pitched roof of glass with pitched lantern down centre. Octagon has bow shop front to east supporting big ornamental bowed balcony (perhaps originally a cafe).'
4. The Royal Arcade was originally designed around workshop-type retail units with living accommodation above. Then, throughout the years, the current use of floors above the ground floor level has been established as offices, storage spaces and historically residential use, which is considered the current lawful use. The application site currently consists of 32no. retail units set around a central walkway. Most of the units along the basement, first, second and third floor are vacant now, but have been used previously for work spaces, storage and retail. The submitted Planning Statement identifies an average occupancy level of the ground floor units as 64% retail units, 13% storage units and 23% unoccupied units.
5. The site is located on the north side of Christchurch Road on its junction with Palmerston Road. The Arcade has a frontage on Christchurch Road, Palmerston Road and a rear entrance on the Sovereign centre service road. Consequently, the site is located within the

local town centre of Boscombe and is therefore well located for transport and movement networks and has good access to local amenities and services.

6. The upper floors of the Royal Arcade were originally designed to provide residential accommodation for individual shop businesses and each retail unit contained a staircase leading directly to the upper floor. Over time, the units went through different use class purposes, such as office spaces and associate storage units, which then have largely been separated from ground floor units so that there is no longer a link between ground floor commercial premises and the floors above. Looking at historic planning records, it would appear that some of the upper floor areas have been used for office purposes or retail storage associated with the shop unit within the last 30 years. A number of the units have remained vacant with the last known authorised use remaining as residential. The upper floors have now been empty for a considerable amount of time and the reasons for the are complicated with a number of issues including limitations due to the listed status of the building and land ownership and lease agreement conflicts.
7. In 2016 approval was granted to bring the upper floors of the Royal Arcade back into residential use. This approval relied on the installation of external gantries to provide access to the upper floors but has not been implemented due to the complications outlined above.
8. To avoid confusion, the most accurate current use classes have been listed in a table below:

Unit	Basement	Ground Floor	Upper Floors
1	Class E ancillary storage use	Class A3 (now Class E)	Class E
2	Class E ancillary storage use	Class A3 (now Class E)	Class E
3	Class E ancillary storage use	Class E	Class E
4	Class E ancillary storage use	Class E	Class E
5	Class E ancillary storage use	Class E	Class E
6	Class E ancillary storage use	Class E	Class E
7	Class E ancillary storage use	Class E	Class E
8	Class E ancillary storage use	Class E	Class E
9	Class E ancillary storage use	Class E	Class C3
10	Class E ancillary storage use	Class E	Class C3
11	Class E ancillary storage use	Class E	Class C3

12	Class E ancillary storage use	Class E	Class C3
13	Class E ancillary storage use	Class E	Class C3
14	Class E ancillary storage use	Class E	Class C3
15	Class E ancillary storage use	Class E	Class C3
16	Class E ancillary storage use	Class E	Class C3
17	Class E ancillary storage use	Class A1/ A3 (now Class E)	Class C3
18	Class E ancillary storage use	Class A1/ A3 (now Class E)	Class C3
19	Class E ancillary storage use	Class A1/ A3 (now Class E)	Class C3
20	Class E ancillary storage use	Class E	Class C3
21	Class E ancillary storage use	Class E	Class C3
22	Class E ancillary storage use	Class E	Class C3
23	Class E ancillary storage use	Class E ancillary use, forms entry way to north. No longer a unit in its own right.	Class E
24	Class E ancillary storage use	Forms Part of the O2 Academy (excluded from application)	Class C3
25	Class E ancillary storage use Class E ancillary storage use	Class E	Class C3
26	Class E ancillary storage use	Class E	Class E
27	Class E ancillary storage use	Class E	Class E
28	Class E ancillary storage use	Class E	Class E
29	Class E ancillary storage use	Class E	Class E
30	Class E ancillary storage use	Class F (temporary permission will resume	Class E

		Class E use in March 2026)	
31	Class E ancillary storage use	Class F (temporary permission will resume Class E use in March 2026)	Class E
32	Class E ancillary storage use	Class F (temporary permission will resume Class E use in March 2026)	Class C3 (assumed)

Relevant Planning History:

9. There have been numerous applications over the years - those of most relevance are noted below:
10. 7-2021-16746-AV
Change of use to a Towns Fund Engagement Office including use as a local community meeting place, small engagement events, learning centre, with ancillary office, for a temporary period until 31.3.2026 - Regulation 3 – Granted
11. 7-2021-16746-AU
Listed Building Consent for investigative works to facilitate an understanding of the structural condition of the building - Granted
12. 7-2014-16746-AO
Listed Building Consent for alterations and refurbishment of the upper floors to form 11 flats – Granted
13. 7-2014-16746-AN
Alterations, refurbishment and conversion upper floors to form 11 flats - Granted
14. 7-2013-16746-AM
Listed Building Consent for alterations, refurbishment and conversion of existing offices to form 16 flats and erection of bin stores and cycle parking - Refused
15. 7-2013-16746-AK
Listed Building Consent for refurbishment of upper floor flats, external alterations including erection of external gantry and access stairs and formation of bin and cycle storage, internal alterations to ground, 1st and 2nd floors including removal and installation of staircases and partitions – Granted
16. 7-2013-16746-AJ
Change of use of existing offices to residential in association with refurbishment of upper floor flats, external alterations including erection of external gantry and access stairs and formation of bin and cycle storage, internal alterations to ground, 1st and 2nd floors including removal and installation of staircases and partitions - Granted

Constraints

17. 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
18. The significance of the building is well documented in Sections 5 and 6 of the applicants Heritage Statement. This includes reference to its - historic importance, architectural design, plan form, shopfronts, windows and doors, decorative plaster and ceilings, timber floors, fixtures and fittings (including skirtings and architraves to windows and doors), fireplaces and chimney breasts, staircases, and its roof.

Public Sector Equalities Duty

19. 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

20. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.
21. 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

22. Police Architectural Liaison Officer – Advice provided

'I make no objection to this application.

A great deal of effort and time is being put into trying to save the listed building that is indeed a marvellous space.

The arcade has double gates on the main entrances at both ends. With multiple users access control and security will need to be well implemented.

My main concern would be to ensure that the internal compartmentalisation prevents an intruder wandering from one unit to another without having appropriate access control. This would need some form of access control on the lifts as well.

I can foresee a similar problem with the cycle stores. Because they are located on the emergency exit alley away from the active surveillance, there may be opportunities for people to enter the site lawfully and then use the emergency exit to leave, taking a bicycle with them'.

23. Wessex Water:

'Existing Services

There is a 150mm diameter public foul sewer entering the site from Palmerston Road.

The applicant will need to agree protection arrangements for the existing 150mm public foul sewer which crosses the site (standoff details as given above). Any damage to our apparatus by third parties will result in a compensation claim.

All existing apparatus must be accurately located on site and marked on deposited drawings.

A map showing all known Wessex Water Assets within the area of the proposed site is attached at the bottom of this response. Additional maps can be obtained from our website Mapping enquiries (wessexwater.co.uk)

Foul Drainage

Capacity is available to accommodate domestic type foul flows from the proposed redevelopment. It is noted that the applicant has proposed WCs within the basement level. They should be aware that Wessex Water will not accept foul flows from below ground level, all foul flows must be pumped to ground level prior to connection to the public foul sewer network.

It has been assumed that the applicant will be utilising an existing connection to the public foul sewer. Should this not be the case, the applicant should be aware that the point of connection to the public network is by formal application and agreement with Wessex Water.

Please Note: No surface water runoff, land drainage or ground water will be accepted into the foul sewer either directly or indirectly.

Water Infrastructure

Wessex Water is not the incumbent supplier in this area.

For more details and guidance for applying to connect to our networks please see our website:

<https://www.wessexwater.co.uk/services/building-and-developing/building-multiple-properties-or-largedevlopments>

24. Environmental Health (Noise) Officer – The Environmental Health Officer initially raised some concerns in respect of noise, but further plans/ information was submitted, including a noise report and now the Environmental Health Officer supports the scheme, subject to conditions.

Final comments dated 15/07/2024 as following:

'I refer to the Amended Noise Assessment Prepared on behalf of: ECA Architecture & Planning and BCP Council BE 16452 by Build Energy Ltd. (V2 11/7/2024 – Updated Figures and Floor Calculations)

The report makes recommendations in respect to improving the sound insulation between the Food Hall and the first floor through the installation of a metal frame suspended ceiling, with a layer of fireboard which will improve the sound insulation performance of the existing ceiling. Amended calculations and drawings have now.

A summary of the proposed build-up can be seen in Table 8 of the report.

The Impact of the O2 Academy on the proposed use has also been considered.

The proposal seeks to change the use of the entirety of the upper floors to Use Class E, which reduces the sensitivity of these areas with respect to noise from the O2 Academy as this would not be used as residential property.

Furthermore, it is intended to introduce secondary glazing which will increase the sound insulation performance of the external building fabric.

I am therefore satisfied with the proposed works outlined in the Noise Assessment Prepared on behalf of: ECA Architecture & Planning and BCP Council BE 16452 by Build Energy Ltd. Report.

I would therefore request that should you be minded to grant planning approval that a condition be attached outlining that the works shall be carried out in accordance with the ECA Architecture & Planning and BCP Council BE 16452 by Build Energy Ltd. Report. Where the specification for the secondary glazing is specified in Table 5 of the report and the specifications for the sound insulation for the ceiling between the food court and first floor is specified in Table 8 of the report'.

25. Waste Management Officer –

Comments dated 10/11/2023:

'The plans show that a bin storage area has been designated within unit 22. The bins should be collected directly from the bin store, and the collection crews will need a key/fob/code to access the store and secure it afterwards. The waste management plan advises a dropped kerb would be installed to enable the bins to be transferred to and from the collection vehicle. There is no need for the bins to be presented outside of the bin store for collection, and in doing so this would obstruct the footway.

The bin store shows 15 x 1280 litre capacity bins. If a commercial waste collection contract was provided by the Council, the largest bin provision would be a plastic 1100 litre capacity bin. In addition, food waste would be collected via 140 litre two wheeled bins. Anything larger than this for food waste is a health and safety concern with regards to moving and lifting the bin. However, different commercial waste collection providers may have alternative policies in place.

Some further details for the Waste Management Plan (WMP) are required to show that the waste collection needs for the proposed development are met:

Advise the number of containers allocated for refuse and recycling and the proposed frequency of emptying.

Method of internal waste collection from units/offices and how this would be transferred to the bin store.

The bin store should not be accessible for members of the public and the WMP should state what entry controls are in place.

Backup procedures for failed collections for reasons such as hindered access, overflowing bins, contaminated bins and contingencies if the bin store is not large/suitable enough to meet the waste requirements of the site.

Monitoring and cleansing of bin compounds.

Plans to detail with bulky wastes and unusual deposits of wastes.

Locations and sizes of internal bins, particularly for the food court if this is not already shown.

At this stage we understand that food will not be prepared on site. However, if this is to change, then the food waste container allocation within the bin store would need to be altered to reflect that. If this is known at this stage then this should also be shown in the WMP.

Please defer for an amended and more comprehensive Waste Management Plan'.

26. Heritage Officer – No objection:

'Please see report for linked Listed Building Application 7-2023-16746-AY for all Heritage comments relating to the scheme and list of drawings consulted'.

27. Local Highway Authority (LHA) Officer – The LHA Officer initially raised concerns and requested amended plans and additional information pertaining to the layout and management of the cycle parking provision, as well as confirmation on the operational details of the refuse collection, including the need for an external collection point. Final revisions have been agreed by the LHA, subject to a planning condition and that the applicant would enter into an appropriate legal agreement.

Comments dated 05/07/2024:

'Additional information confirms that the onsite cycle parking will be available for staff of the proposed office use thus covering the increased demand arising from this proposal. Moreover, the applicant has agreed to a financial contribution towards visitor cycle parking facilities, secured through an appropriate legal mechanism and provided within the vicinity of the site. Indicative costs have been provided by the council's Sustainable Travel Team, as being £280 per stand (equipment and labour) with 3 stands (6 spaces) being required.

RECOMMENDATION:

The Local Highway Authority has no objection subject to the imposition of the following conditions and that the applicant enter into an appropriate legal agreement'.

Representations

28. Site notices were posted in the vicinity of the site on 4th September 2023 with an expiry date for consultation of 25th September 2023. Following receipt of amended plans and additional information the scheme was readvertised on 24th January 2024 with an expiry date for consultation of 15th February 2024. Press notices were also published for both periods of consultation.

29. 9no. letters objecting the proposed works were received. The grounds for objection are as following:

- The scheme would have an adverse impact upon the existing established independent and unique traders/businesses in the Arcade which provide for local residents/the community
- The scheme would be harmful to a Victorian spirit of the existing building
- The scheme would force 15 existing shops in Arcade to close/ be put out of business
- The high street is full of cafes, bars and fast food shops already
- Boscombe does not need more food places or office spaces as these would not be filled
- An alternative location for a food hub/hall would be TJ Hughs which is empty
- Acknowledge that the Arcade has some empty spaces that need filling
- Concern regarding the provision of external cooking fans on the listed building
- The historical building only needs repair and should not be changed/modified/modernised

1no. letter in support was received:

- Regeneration of the area and sustainable development is needed
- The scheme would be an asset to a local community
- Boost to a local economy
- A positive impact on local employment and would provide opportunities to the younger generations

Key Issues

30. The main consideration for this application is the principle of the proposed change of use and associated impact on the local area character. Also, it is important to assess the impact of the proposed works upon the special interest and significance of the listed building.

31. The main areas of work which relate to the proposed change of use is the provision of lifts, toilets and bin store in ground floor retail units; changes to the internal layout to upper floors.

Policy context

32. Local documents:

Core Strategy (2012)

Policy CS1 – Presumption in Favour of Sustainable Development

Policy CS5 – Promoting a Healthy Community

Policy CS6 – Delivering Sustainable Communities

Policy CS9 – Enhancing District Centres

Policy CS16 – Parking Standards

Policy CS18 – Encouraging Walking and Cycling
Policy CS38 – Minimising Pollution
Policy CS39 – Designated Heritage Assets
Policy CS41 – Quality Design

Boscombe and Pokesdown Neighbourhood Plan (2019)

Policy BAP1 – The scale and density of development
Policy BAP2 – Good Design for the 21st century
Policy BAP3 - Shopfronts
Policy BAP9 – Christchurch Road

District Wide Local Plan (2002)

Policy 5.19 – Core Shopping Areas
Policy 6.3 – Retention of residential accommodation
Policy 6.4 – Loss of residential above shops and commercial premises

Supplementary Planning Documents:

Public Realm Strategy: Guiding Principles – SPD
BCP Parking – SPD
Waste and Recycling Services Planning Guidance Note

Emerging BCP Local Plan

It should be noted that the emerging BCP Local Plan has been published and has now been submitted for examination in June 2024, however at this stage, the emerging Local Plan attracts limited weight, although its evidence base may on occasion have information that could be material.

33. Planning (Listed Buildings and Conservation Areas Act) 1990

Of particular relevance to the determination of this application is:

Section 7 - No person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

Section 16 (2) - Special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

34. National Planning Policy 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:

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

- Chapter 2 - Achieving sustainable development
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 6 - Building a strong and competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 – Sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 - Achieving well-designed places
- Chapter 14 - Meeting change of climate change
- Chapter 16 - Conserving historic environment

Of particular relevance to the determination of this application is Chapter 16 ‘Conserving and enhancing the historic environment’ including the following:

Paragraph 195

‘Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.’

Paragraph 203

‘In determining applications, local planning authorities should take account of:

- d) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- e) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- f) the desirability of new development making a positive contribution to local character and distinctiveness.’

Paragraph 205

‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

Paragraph 206

'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- c) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- d) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 208:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Planning Assessment

Background and overview

- 35. The application proposals relate to the refurbishment and repair of the Royal Arcade with the aim of restoring the entire building and bringing it back into use as part of the revitalisation project that is currently underway in this part of Boscombe. The importance of this building to the overall project was recognised when funding was secured, as part of the Better Boscombe Regeneration initiative funded by the Department of Levelling Up's Towns Fund Programme.
- 36. However, since the current application was originally submitted, BCP Council have decided not to pursue the Royal Arcade project due to rising costs and a shortfall in funding at the current time. As a result, the available funding for the Royal Arcade is due to be reallocated to other Towns Fund projects (including the masterplan, high street and community centre as well as a package to support the existing tenants of the Royal Arcade). However, the building remains a key part of Boscombe's townscape and the work detailed in the application is an important part of the regeneration and renewal of Boscombe. As a result, securing this planning consent will ensure that permission is already in place for the building's regeneration should the owner wish to pursue the proposals or another Investor or Public Sector Funding Source become available.
- 37. The Design and Access Statement submitted by the applicant refer to wider community engagement including a reference to the Bournemouth Towns Fund Strategic Board and sub-groups, and notes that re-purposing the Arcade 'as a shopping, food and leisure destination on the ground floor with offices and a skills hub on the upper floors, is part of the Vision for the area'.
- 38. The supporting Market Testing document notes that 'Initial market testing for small business occupiers showed strong initial demand across a range of core uses, supporting the emerging direction of the scheme to include food, retail and mixed-use office space' and that 'the proposed scheme could spur regeneration in Boscombe's town centre'.
- 39. It is envisaged that the ground floor units will be occupied by a range of retail uses (to the west and east wing - close to Christchurch Road) as well as food offerings with an associated food court area (to the north and south wing - close to Palmerston Road). The Design and Access Statement notes that there will be a variety of food offerings, delivered by local vendors, with a focus on convenience and diversity' with the food court 'designed to

create a vibrant and inviting atmosphere'. The agent has noted that units 7-22 are intended to be food court units with the remaining as retail.

40. To the upper floors (first, second and third floors) office use is proposed. This will include a mixture of office spaces, innovative incubator units for start-up businesses, meeting rooms, open plan break out spaces, toilets and kitchen areas. It is envisaged that by bringing the upper floors back into use, the footfall through the Arcade will increase, improving the viability of the ground floor units.

Principle

41. The proposed works include a mix of Class E and F units on site under the current Use Class Order. The Use Class Order 2020 was an update to the Use Class Order 1987. The Government introduced the new use classes legislation with the aim to allow more flexibility, and let the free market decide what the available premisses are used for.

Class E – Commercial, Business and Service

In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e):

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
 - **E(c)(i)** Financial services,
 - **E(c)(ii)** Professional services (other than health or medical services), or
 - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - **E(g)(i)** Offices to carry out any operational or administrative functions,
 - **E(g)(ii)** Research and development of products or processes
 - **E(g)(iii)** Industrial processes

Class F – Local Community and Learning

In two main parts, Class F covers uses previously defined in the revoked classes D1, 'outdoor sport', 'swimming pools' and 'skating rinks' from D2(e), as well as newly defined local community uses.

- **F1 Learning and non-residential institutions – Use** (not including residential use) defined in 7 parts:
 - **F1(a)** Provision of education
 - **F1(b)** Display of works of art (otherwise than for sale or hire)
 - **F1(c)** Museums
 - **F1(d)** Public libraries or public reading rooms
 - **F1(e)** Public halls or exhibition halls
 - **F1(f)** Public worship or religious instruction (or in connection with such use)
 - **F1(g)** Law courts

F2 Local community – Use as defined in 4 parts:

- **F2(a)** Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres
- **F2(b)** Halls or meeting places for the principal use of the local community
- **F2(c)** Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
- **F2(d)** Indoor or outdoor swimming pools or skating rinks

42. In line with paragraph 123 of the NPPF, planning '*decision should promote an effective use of land in meeting the need for homes and other uses*' with focus on '*previously-developed or 'brownfield' land*'. Furthermore, according to paragraph 124, planning decision should for instance '*encourage multiple benefits from both urban and rural land[...] recognise that some underdeveloped land can perform many functions[...]give substantial weight to the value of using sustainable brownfield land within settlements for...other identified needs[...]promote and support the development of under-utilised land and buildings*'. Also, paragraph 126 identifies that planning decision '*need to reflect changes in the demand for land*'.
43. Paragraph 135 of the NPPF states that '*Planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.*
44. Policy CS5 of the adopted Core Strategy (2012) promotes a Healthy Community though inclusive, accessible, safe and well-designed development and spaces. Policy CS6 encourages that the Council when working with other partners and developers should ensure that sustainable communities are delivered. This can be achieved by promoting a range and variety of retail, health, cultural and community facilities or infrastructure to meet the day to day needs of the local community. Policy CS9 states that the Council should ensure that the function, vitality and viability of district centres is enhanced.

45. This application seeks to create a designation for social gatherings and retail, featuring a food market hall with creative independent retail on the ground floor and flexible class E and a digital skills hub (Class F) to the upper floors of the Royal Arcade. The existing upper floors have been vacant for over 10 years. It should be also noted that the floors above the ground floor level were described as 'empty' in the Design and Access Statement submitted as part of planning application 7-2013-16746-AJ.
46. Effectively, the proposed works will improve the vitality of the Royal Arcade and would enhance the wider Boscombe Centre by improving the use of the site. The scheme would result in maximising the overall potential of the site through re-introduction back to the market 8no. vacant ground floor units and bringing back to use the current 2,483sq. metres of unsuitable floorspace of the upper floors. There is anticipated increase of the annual visitor footfall, and the proposals will include up to 400sq. metres of community facilities on site.
47. The proposed works would improve the wider regeneration of Boscombe and will be key to using Towns Fund monies to purchase, repair and repurpose of the existing Grade II Listed Royal Arcade. The proposed works will refurbish the existing heritage asset in a sensitive manner, which will be discussed further in the section below. The application site forms an integral part of the Better Boscombe Regeneration initiative founded by the Department of Levelling Up, Housing and Communities Towns Fund Programme with public sector match funding. The proposed works would help to regenerate the historic centre of Boscombe and will provide a boost to a deprived neighbourhood. The proposed change of use is therefore in line with principle of the Levelling Up White Paper, which indicates the need for providing opportunities for boosting economic growth and transforming places nationally.
48. The application site also sits within the boundary of the Boscombe and Pokesdown Neighbourhood Plan (BPNP) 2019. Policy BAP3 of the plan states that there is a presumption in favour of retaining and renovating shopfronts that are original to the building. Policy BAP9 discusses sites set along Christchurch Road where the application site is located. This policy supports a mix of uses, excluding residential at ground floor level, which is in line with the adopted Development Plan Policies. Paragraph 9.7 of the BPNP confirms that people believe that vacant shops in the Royal Arcade have to be used as small cafes and independent restaurants or as an art gallery or exhibition space. 90% of respondents support a mixed high street that consist of shops, food, drinks, leisure and services.
49. Policy 5.19 (Core Shopping Area) states that *'The Local Planning Authority will grant planning permission for A1 Ground Floor Retail uses throughout the Core Shopping Areas. A2 and A3 uses may be permitted provided it can be demonstrated the use will make a positive contribution to the diversification of the core and to its retail character, vitality and viability, and is able to meet the following criteria:*
- i) The use will not constitute a 'Bad Neighbour' to lawful uses or will be incompatible with the operation of existing authorised uses.*
 - ii) The use will not unreasonably the amenity enjoyed by nearby residents by reason of noise or levels of activity particularly late at night.*
 - iii) Adequate servicing facilities are proposed, and in case of extensions and redevelopment parking as set out in appendix 4.*
 - iv) The use will not result in vehicular or pedestrian congestion or create a hazard to road users'.*

50. Policy 6.3 (Retention of Residential Accommodation) advises that *'residential development will be permitted except:*
- i) *In areas specifically allocated for other purposes in the Local Plan;*
 - ii) *Where it would demonstrably harm the character or appearance of an area or the appearance of an area or the amenities enjoyed by local residents;*
 - iii) *On sites where it would otherwise be inappropriate in the light of detailed site considerations'.*
51. Policy 6.4 states that *'the Local Planning Authority will protect against the loss of a lawful residential use in the upper floors above existing shops and other commercial premises'.*
52. Extant uses on site under the current Use Class Order have been listed within paragraph 8 above. This application essentially proposes to retain all existing Class E ancillary storage spaces within the basement level. The existing ground floor level shows predominately units under the Use Class E apart from units 30, 32, 32, and 566 that are noted as Class F uses. It should be noted that units 30-32 benefit from a temporary Class F use consent granted under planning permission 7-2021-16746-AV on 28 July 2022 (a temporary period until 31.3.2026). The proposed works would result in all units being under Class E use. Then, the existing use Class E units would remain under the same class use although 16 residential units on 1st floor, 16 residential units on 2nd floor, and 1no. residential unit on 3rd floor would be converted into use Class E.
53. The proposed mixed use will help to diversify Class E and F uses on site, as well as providing complementary uses within Boscombe District Shopping Centre. No residential use is proposed; hence the proposals would not result in the loss of ground floor retail/commercial floorspace. The upper floors are largely vacant, with many derelict units and historical residential uses. Despite some identified conflict with Policies 6.3 and 6.4, the existing residential units are not habitable in practical terms. As acknowledged already, historically there were residential uses on site to the upper floors; however, those units are now derelict and have not functioned as residential units for many years. Residential uses have not been re-introduced for over 10 years and recent permissions for residential units have lapsed. Furthermore, the proposed E and F class uses would complement and support the continued vitality and viability of the locality as a commercial centre. The NPPF confirms that uses within Classes E and F are suitable within the Core Shopping Areas. There is also identified positive economic and social benefits flowing from a scheme comprising a mixture of uses within Classes E and F. This type of complementary diversification of uses will help to reduce vacancy rates by allowing a wider range of uses without the need for further planning proposals for change of use in the future.
54. The loss of residential use units on site is acknowledged and some conflict with Policies 6.3 and 6.4 is identified. However, it is considered that the wider public benefit in form of revitalising the existing heritage asset, introducing accommodation for small and medium enterprises, as well as a digital skills hub for the local community would on balance outweigh the loss of historical residential use of the upper floors. The regeneration of the Royal Arcade should attract visitors to the town centre facilitating linked trips and enhance the vitality and viability of the centre. Therefore, the proposed works would comply with relevant policies of the Bournemouth District Wide Local Plan (2002), Core Strategy (2012) and the Boscombe and Pokesdown Neighbourhood Plan (2019).
55. It should be also noted that the application pre-dates the Government requirements for statutory Biodiversity Net Gain and therefore there is no requirement for the application to provide the 10%.

Public benefits arising from the scheme

56. The proposed works would provide substantial benefits in form of delivering sustainable development that would contribute economically by providing diversified uses on site and bringing back a partially derelict heritage asset. Environmentally, the proposed works will improve the buildings condition, energy efficiency and introduce sustainable sources of energy by providing PV panels. Social benefits would be in the form of the introduction of a skills and knowledge hub, community focused and accessible use, as well as a new place for social gatherings. This would be in line with the principles set within paragraph 11 of the NPPF.
57. The award of Government funding to help regenerate the Royal Arcade and Boscombe recognises that the scheme would result in significant public benefits. This is also evidenced in the supporting documents which accompany the application and some of the public benefits identified, that could arise from the scheme, include:
- bringing a predominantly vacant building back into active use through its refurbishment;
 - contributing to the regeneration of Boscombe by linking with other Towns Fund projects such as the High Street Refresh and Digital Skills Hub;
 - providing a Digital Skills Hub in the Arcade - giving Boscombe residents and businesses the necessary digital skills, innovation and learning infrastructure required to develop a thriving creative digital ecosystem, in turn helping to drive local economic growth and regeneration;
 - making the area more desirable to visit, live, work and shop;
 - generating income which could be reinvested into ongoing maintenance and repairs for the building;
 - job creation;
 - increasing footfall in the Arcade and to Boscombe as a destination giving visitors new reasons to visit the high street;
 - provide a comfortable working environment for users of the building;
 - meeting the need in this location for start-up businesses in the digital and creative business sector;
 - providing affordable and sustainable commercial work spaces;
 - providing opportunities for small businesses run by local people and to create an area local people are proud of;
 - improved public perception of the area which could attract further investment.

Impact on the local Area Character

58. There have been a number of changes to the Arcade over time including the creation of a new entrance in place of unit 23 to provide pedestrian access to the newer Sovereign Shopping Centre at the rear. Further works were carried out in the 1990s to the upper floors including conversion of parts of the upper floor to form offices above the front entrance area and above the newly created access to the Sovereign Centre. The Royal Arcade is a Grade II Listed building, which comprises 27no. retail units set around a central walkway. Ancillary and mostly vacant accommodation is provided within basement, first, second and third floor. Those floors have historic use as work spaces and residential uses.

59. The proposed works would not alter the existing building's footprint. The proposed works affecting the external envelope of the building would be predominantly limited to reinstating currently blocked up doors and windows at ground floor level. All brickwork would be restored and re-pointed as required. Whereas the existing render would be repaired. The overall process relating to the choice of the external facing materials and agreement of alternations to this listed building went through excessive negotiations between the applicant and the Council's Conservation Officers, which will be further explored later in this report. Overall, the external alterations would be minimum.
60. The Conservation and Design Team supports the Cultural Heart initiative with the redevelopment of an area of the town which is currently under-used and which has great potential. The current use of the basement and ground floor levels is a mix of Class E and ancillary uses, such as storage temporary, Class F and Sui Generis uses. Despite applying for Class E uses on site the applicant should make a note that it is unknown at this stage whether the food operations will provide food mostly for consumption on or off the premises. If the latter and most food purchases will be consumed off the premises then there would be a future need for change of use to a takeaway (Sui Generis). At this stage, it has been confirmed that the proposed works would introduce a concept of a 'pop-up' food courts to allow more flexibility and variety of local services and food choice. As noted already in this report, the current lawful use of the upper floor levels is a combination of historic residential units (Class C3) and office (Class E) uses. The most recent permissions post 2010 for residential use have never been implemented. The proposed works would change the upper floors to Class E and up to 400sq. metres of Class F. The aim of the proposed works is to provide affordable entrepreneurial and a Council-led digital skill hub.
61. Overall, it is considered that the proposed uses would be in keeping with the character of the District Shopping Centre and are not considered to result in any detrimental harm to surrounding uses. For the above reasons, the proposed works would comply with policies CS39 and CS41 which seek to promote good design, maintain, and enhance the quality of the street scene and to provide a design which respects the site, designated heritage assets and the surroundings, as well as Policy 5.19 which relates to Core Shopping Areas, BAP1 in respect of the scale and density of development, BAP2 in respect of the design, BAP3 and BAP 9 while considering the impact on the shopfronts and Christchurch Road respectively.

Impact on the amenities of local residents

62. As noted already in this report, the proposed works would not alter the existing footprint and changes to fenestration would be set to minimum. The proposals would not impact nearby neighbours in terms of loss of privacy, overshadowing, or noise due to the retention of adequate spatial separation. Overall, the proposals will safeguard the residential amenities of neighbouring occupiers and would be comply with CS41 of the Core Strategy.

Areas of work proposed and their impact on the listed building

63. The current Listed Building application ref. 7-2023-16746-AY covers off internal works to the Listed Building hence this report will refer to external works that would potentially result from internal works and the acceptability of the proposed change of use.

External

64. In association with the internal elements of the HVAC system, external heat recovery units are also required. These will be located in the rear alleyways alongside the external wall of the building and positioned to avoid covering existing door and window openings.
65. A further external change relates to the introduction of vents in the Arcade roof. These will extract and expel air via the ductwork/risers which run up through the building. The majority are positioned on the rear roof slopes to reduce their visual impact. Some are located on more prominent roof slopes (dictated by the position of the risers within the building) however, it is considered that these vents will have a limited visual impact, being relatively small in nature and coloured to match the existing roof slates.

Refurbishment and internal repairs

66. The upper floors of the building have been vacant for many years and are in a dilapidated state. Many features have been lost or damaged over time which means that the retention of remaining features of significance is essential.
67. Before the upper floors can be occupied a significant amount of repair and refurbishment work is needed. This is for safety reasons and to ensure the creation of an enticing space for future occupants/users of the building. The Design and Access Statement notes that 'The first and second floors have been crudely modified to create horizontal access (holes knocked through walls) and much of the detailing has gone - many stairs removed or without balustrades, much cornicing and skirting removed'.
68. It is noted that it is not the intention to restore the interior to its original appearance and condition - by reinstating lost features. Instead, the applicant has decided to adopt a more 'honest approach' which will 'preserve and highlight the history of the building'. This approach, as the Design and Access Statement notes, will be to 'retain whatever fabric remains in the interior, even if that is incomplete areas of wallpaper and cornicing. Whatever materials are well adhered and stable will be kept'. It goes on to state that 'This approach extends to skirting boards, dado rails and cornicing – where these are secure they will be retained in situ. Although many fireplace surrounds have been removed those remaining will be reinstated to the open hearths'. The intention is to 'carefully repair existing fabric where it has become damaged and not to reinstate modern remakes of original fabric that has been lost'.
69. The Statement also notes that 'Following a comprehensive evaluation of the internal finishes schedules of work for each areas/units will be identified.' In response to this and the approach of the applicants a condition will be attached requiring the submission of schedules, for the rooms and circulation spaces. This will identify and record the location and condition of original features and the intended approach (ie to retain and repair doors, fireplaces, tiled hearths, skirting, mouldings). It will also deal with scenarios where historic fabric is missing, such as the balustrade to the staircases, to ensure that any salvaged parts are reused or new ones are provided to match the original.
70. Although a greater degree of restoration/reinstatement would be preferable the proposed approach has been justified as existing features/elements will be retained and the restoration proposed will enable the upper floors to be reused. Supporting information from the agent also notes that it 'is neither viable or feasible to undertake a full-scale restoration of the interior features of the listed building ...'. The accompanying CBRE Report also states that 'the scale of repair must be taken into account when considering what is actually realistic and achievable' in view of the costs involved.

Structural works and external repairs

71. The Design and Access Statement submitted by the applicant notes that 'The building is currently in a poor state with movement on the main facade and water ingress in a number of places' and that the cupola is 'in a critical state of repair'. In view of the dilapidated state of the building it is inevitable that some structural work, along with works of repair, will need to be undertaken and the submitted application contains details highlighting what might be required. This includes repointing of brickwork and making good of cracked external render. However, at this stage the precise nature and extent of work needed is unclear as the building has not been fully surveyed. Although initial investigations have taken place not all areas were accessible or open to view. In view of this a condition will be attached to seek further details, to ensure that any works are fully informed, following further investigation.

Highway Considerations

72. The site is located within parking zone A, hence the proposed car-free development is considered to be acceptable. The Local Highway Authority (LHA) initially raised concern regarding the proposed on-site parking provision. Additional information was provided, which confirms that the on-site cycle parking will be available for staff of the proposed office use thus covering the increased demand arising from this proposal. Additionally, a financial contribution towards visitor cycle parking facilities has been agreed by the applicant. This is considered to be appropriate by the Local Highway Authority to mitigate the lack of visitor parking. This would be secured through a S106 agreement and provided within the vicinity of the site. Indicative costs have been provided by the council's Sustainable Travel Team, as being £280 per stand (equipment and labour) with 3 stands (6 spaces) being required. The Council's Legal Department have been instructed to prepare a required legal agreement.
73. Consequently, the proposed works would comply with planning policies CS16, CS18 and CS41 subject to the imposition of the conditions suggested by the Local Highway Authority, as well as finalising a Section 106 Legal Agreement.

Waste Management

74. The agreed details confirm that the waste would be collected from the store directly, which negated the need for bins to be presented on the footway and overcomes concerns initially raised by statutory consultees. The Waste Management can be conditioned and on balance this is considered an acceptable solution.

Planning Balance / Conclusion

75. This application proposes comprehensive refurbishment works of the existing Grade II Royal Arcade. The long-vacant upper floor would be brought back to active use. The ground and upper floors would accommodate a mix of flexible uses within Classes E and F of the use classes order, introducing retail spaces at ground floor, as well as office uses and a community space within the upper floors. The existing Class F uses would be predominately retained.
76. The loss of existing residential units, which are non-habitable in practical terms, has been justified in this report. Some level of conflict with Policies 6.3 and 6.4 is identified. However, it is considered that the wider public benefit in form of revitalising the existing heritage asset, introducing accommodation for small and medium enterprises, as well as a digital

skills hub for the local community would on balance outweigh the loss of historical residential use of the upper floors

77. The proposed works would be in line with strategic policy objectives, including both the Local Plan Core Strategy, as well as the National Planning Policy Framework (NPPF). This includes paragraph 86 of the NPPF, Policy CS9 of the Core Strategy, and saved Policy 6.3 of the Local Plan, which promote supporting the diversification and vitality and viability of the Town Centre as a whole. Careful restoration of the existing listed building would support the long term preservation of the Listed Building. Diversification of the uses on site will enhance and maintain the viability and accessibility of the commercial centre in a core town centre location. The proposed development would improve accessibility to local employment and community facilities, including a skills and knowledge hub. Furthermore, the scheme would provide employment opportunities, as well as will encourage sustainable development.
78. The scheme proposes numerous alterations, predominately internal layout changes. The existing building's envelope would not be altered hence biodiversity would unlikely be affected, neither the scheme would result in increased flood risk. As detailed above and as noted on the application plans, which together result in a significant intervention to the listed building. However, it is acknowledged that these interventions are necessary to address its dilapidated condition and to facilitate the building's refurbishment to enable the building to be brought back into use. This is a clear benefit which will help to preserve the special historic interest and significance of the building which, in turn, will make a positive contribution to the local character and distinctiveness of Boscombe - aligning with Paragraph 203 of the NPPF.
79. As required by Paragraph 206 of the NPPF a clear and convincing justification has been demonstrated for the various areas of work proposed and the scheme as a whole. In addition, revisions have been sought to ensure that the harm arising has been minimised. Within the context of Paragraph 208 of the NPPF it is considered that the proposals would result in a degree of harm which would be less than substantial and moderate in nature. This harm attracts considerable importance and weight however, it is considered that the harm would be outweighed by the public benefits arising from the scheme as a whole.
80. Despite the moderate harm arising it is also considered that the work would not detract from the special interest or significance of the listed building as a whole. It has been demonstrated, through the approaches taken, the retention of historic fabric and the proposed use of quality materials and products (ie Selectaglaze), that the work would be undertaken sympathetically. In addition, the proposals have sought to ensure that the building would become more energy efficient and would have a reduced carbon footprint through the introduction of solar panels, secondary glazing, insulation, and the HVAC system.
81. This investment in the building, which is a heritage asset and as Paragraph 195 of the NPPF notes is an 'irreplaceable resource', will help to ensure that it is preserved for future generations. As a building of national interest its long-term preservation is a clear public benefit.
82. It should be acknowledged that the draft Bournemouth, Christchurch and Poole Local Plan has recently been subject to consultation and is yet examined. At this time, it is considered that the emerging BCP Local Plan carries little weight in the assessment of this application.

83. On the basis of the information submitted with the application, and subject to compliance with the conditions attached to this permission, it is considered that the proposals will be acceptable and that the scheme would be in accordance with the Local Plan, NPPF, Government Guidance and Government Legislation.

Recommendation

84. **GRANT permission for the reasons as set out in this report subject to the following conditions and legal agreement:**

Highways Contribution:

A financial contribution totalling £840.00 to sustainable transport improvements to mitigate the impact of the proposed development, namely the provision of three cycle stands to be delivered within the vicinity of the site to the specification and satisfaction of the Local Planning Authority.

The highways contribution is to be index linked from the date of the decision notice to the payment of the contribution based on the Construction Output Price Indices for new work, produced by the Office for National Statistics.

1 Work to be carried out in accordance with plans as listed

The work hereby permitted shall be carried out in accordance with the following plans:

- Drawing No 286 3 001 Rev A, Site Location Plan
- Drawing No 286 3 143, Existing First and Second Floor
- Drawing No 286 3 145, Existing Uses
- Drawing No 286 3 141, Existing Site Plan
- Drawing No 286 3 142 Rev A, Existing Basement and Ground Floor Plan
- Drawing No 286 3 144, Existing Third Floor Plan
- Drawing No 286 3 200 Rev A, Existing & Proposed South Elevation
- Drawing No 286 3 201 Rev B, Existing & Proposed North Elevation
- Drawing No 286 3 202 Rev A, Existing South & East Wings Elevation
- Drawing No 286 3 203 Rev C, Proposed South & East Wings Elevation
- Drawing No 286 3 204 Rev A, Existing West Wing Elevation
- Drawing No 286 3 205 Rev A, Proposed West Wing Elevation
- Drawing No 286 3 206 Rev B, Existing & Proposed West Elevation (Palmerston Road)
- Drawing No 286 3 301 Rev A, North Wing South Internal Elevation
- Drawing No 286 3 302, East Wing West Internal Elevation
- Drawing No 286 3 303 Rev A, South Wing North Internal Elevation
- Drawing No 286 3 304, West Wing East Internal Elevation
- Drawing No 286 3 401 Rev A, Existing Section AA
- Drawing No 286 3 402 Rev C, Proposed Section AA
- Drawing No 286 3 403 Rev A, Existing Section BB

- Drawing No 286 3 404 Rev B, Proposed Section B
- Drawing No 286 3 150 Rev C, Proposed Site Plan
- Drawing No 286 3 151 Rev A, Proposed Basement Floor Plan Part A
- Drawing No 286 3 152 Rev A, Proposed Basement Floor Plan Part B
- Drawing No 286 3 153 Rev D, Proposed Ground Floor Plan Part A
- Drawing No 286 3 154 Rev C, Proposed Ground Floor Plan Part B
- Drawing No 286 3 155 Rev C, Proposed First Floor Plan Part A
- Drawing No 286 3 156 Rev C, Proposed First Floor Plan Part B
- Drawing No 286 3 157 Rev C, Proposed Second Floor Plan Part A
- Drawing No 286 3 158 Rev C, Proposed Second Floor Plan Part B
- Drawing No 286 3 159 Rev A, Proposed Third Floor Plan
- Drawing No 286 3 160 Rev B, Proposed Roof Plan
- Drawing No 286 3 161 Rev A, Proposed Use

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

2 Submission of details – general

Notwithstanding the information on the attached approved plans and prior to the commencement of work, as it relates to each of the individual areas of work as noted below, further detail/clarification is required as follows:

- Submission of schedules of work detailing the proposed internal finish/appearance to each of the rooms/units and circulation spaces including staircases. This will identify and record where original elements/features remain (including staircase balustrade, doors, fireplaces, cornice, skirting, picture rail, floorboards, lath and plaster walls and ceilings; architrave) along with the full details relating to the nature and extent of their retention, reuse, repair/making good, refurbishment, reinstatement
- Details of the nature and extent of repairs required to timber windows (including any shopfront windows)
- Details of the nature and extent of external repairs to stonework, render, brickwork and pointing
- Details of the colour (ie RAL no.) and finish (matt/gloss) of all elements/features to be redecorated internally and externally where there is a change to the existing colour
- Details of the nature and extent of repairs to the iron entrance gates
- Details of the nature and extent of insitu roof repairs relating to the replacement of damaged/missing slates to the roof and ridge
- Details, where the slate roof covering is to be removed to install a membrane, which clarify (i) the number of slates which have been salvaged and the amount of new slates required due to shortfall (ii) the method of re-roofing (ie randomly mixing salvaged and new, or using salvaged on most visible roofslopes) taking into account any shortfall required (iii) through the submission of samples of existing, and new, slates that the existing profile, size, colour, finish and fixing match (iv) the type of roof membrane to be installed - ensuring that any product is breathable and does not alter the height or profile of the existing roof
- Details of restoration of lead work to the roof (including flashing, dressings, valleys, capping, parapets, cupola)
- Details clarifying the design, location, size and colour of roof vents
- Details on the condition of existing rooflights and the nature and extent of any repairs/replacements required
- Details of nature and extent of repair/making good required to the external ground floor doors and windows facing the rear alleyways following removal of existing boarding
- Details of the location, size and appearance of external lighting and cameras
- Colour, size and location of the external heat pump units in the alleyway

- Details of the location, material, size and colour of any new external pipework
- Details on the nature and extent of fire upgrades to existing historic timber panelled doors.
- Details of the material and appearance of new timber doors
- Details of new ironmongery required to existing doors (where currently missing) and new doors
- Details of the appearance of new partition walls and risers indicating how they would scribe around skirting, cornice and picture rail
- Large scale plan and elevation details (1:20) showing the abutment of upper floor partition walls (to toilet and staircase enclosures) with window architrave
- Details of the location of internal reco-air units to the ground floor
- Details of the installation, style, appearance and material of all lifts
- Details of the appearance of the shop front fascia (including colour, size, style) to each ground floor unit
- Photos of all the ground floor ceilings (fully recording any cornicing/moulding present) upon removal of existing suspended ceiling and prior to the provision of a new suspended ceiling
- Details of the height of new ground floor suspended ceilings, relative to the existing ceiling height and shop window) where there are currently none present or where there is a change in height from the existing
- Elevation of a typical wall opening where original partitions are to be removed showing the size of opening (including nibs and downstand) relative to features (cornice, picture rail)
- Details (section, plan, elevation) showing capping/covering/enclosure of original staircases clearly showing original staircases retained in situ
- Details (section, plan, elevation) of the new external bin store door (Haviland Road West) showing any changes to the shopwindow

All details shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

3 Installation of new services

Notwithstanding the information on the attached approved plans and prior to the installation of the HVAC system and internal services (including - internal units, pipes, cables, wires, trunking, trays, risers, lighting, heating, drainage/waste and water) details of their installation (including location/position, fixing, appearance, colour, size, run of pipework through floors/walls/ceiling/attic) relative to existing features along with works of alteration/intervention required to the fabric of the building shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

4 Removal of redundant services

Unless otherwise agreed in writing with the Local Planning Authority redundant internal and external services (including pipework, cables, wires, trunking, junction boxes, air condition units) and their fixings should be removed. Their removal should be undertaken carefully so as not to damage the fabric of the building. All making good should be to match the original material in all respects (ie colour, profile, material, consistency, appearance).

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

5 Removal of floorboards

Prior to the lifting of any floorboards they should be carefully labelled and photographed to ensure they are returned to the same location. They should be lifted in an appropriate manner for their size, age and fixing method and safely stored for reuse. Floorboards should be refixed in their original positions with nails.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

6 Making good

All making good required (ie when: repairing/reinstating missing stair components including balustrade and newel posts; widening openings; reinstating original walls; installing lifts; installing vents, pipes, wires and other services; plastering of holes/blown lath and plaster walls/ceilings; reinstating timber floorboards; removing redundant elements; repairing windows; replacing broken glass) - shall match the original in all respects (colour, profile, size, material, consistency/mix/type, appearance).

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

7 Use of Selectaglaze secondary glazing

Unless otherwise agreed in writing by the Local Planning Authority Selectaglaze slimline secondary glazing shall be installed. Prior to its installation large scale details (1:20) showing the approach to each window type (ie sash, casement, curved, arched) shall be submitted noting: the location of the secondary glazing; its fixing; size of individual panes; colour of the secondary glazing frame. These shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

8 Prior approval of solar panels

Notwithstanding the detail on the attached approved plans, prior to their installation details confirming: the number and location of the panels; the projection of the panels from the roof covering; fixing; colour of supporting framework; colour and finish of panels; any structural intervention required to strengthen the roof; the number of new slates if existing are damaged (to match the existing - type, profile, size, colour, finish, fixing); and, the location, appearance and fixing of associated cabling and equipment (ie inverter, isolator) shall be submitted to and approved in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details. The solar panels, external cabling and associated internal equipment shall be removed at the end of their useful life. All making good required to match the existing.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

9 Salvage and reuse of features

All loose features (including historic timber panel doors, balustrade, skirting, floorboards, fireplaces, floorboards, cornice, architrave) shall be reused and incorporated into this scheme. Where features are surplus to requirements they shall be safely stored on site and remain accessible for future use.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

10 Structural Investigations

Prior to the commencement of any structural work to any area of the building full details (including a structural report), noting the nature and extent of necessary works identified following a detailed inspection/survey, and assessment of the structural condition of the building, shall be submitted to and agreed in writing by the Local Planning Authority. Work shall be carried out in accordance with the approved details.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

11 Protection of building

Prior to the commencement of work details in relation to the protection of the external façade and internal features while the works are being undertaken, should be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the historic and architectural interest and significance of the listed building in accordance with legislation and policy.

Cycle Parking

Before the proposed change of use of the building is brought into operation, staff cycle parking shall be constructed and arranged as shown on approved plans. The cycle parking shall be externally illuminated to ensure safe and convenient access during day and night. The cycle parking facility shall thereafter be retained, maintained and kept available for its intended purpose at all times.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

12. Construction 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:

- 24 hour emergency contact number;
- Hours of operation;
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

- Routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud being carried onto the highway;
- Measures to protect vulnerable road users (cyclists and pedestrians)
- Any necessary temporary traffic management measures;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- 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.

13. Noise report

The proposed works shall be carried out in accordance with the ECA Architecture & Planning and BCP Council BE 16452 by Build Energy Ltd. (V2 11/7/2024 – Updated Figures and Floor Calculations) prepared by Build Energy Ltd. Report, where the specification for the secondary glazing is specified in Table 5 of the report and the specifications for the sound insulation for the ceiling between the food court and first floor is specified in Table 8 of the report. The approved noise mitigation measures shall at all times be accorded with.

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).

14. Crime prevention scheme

The details of a Crime Prevention Scheme shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Dorset Police. The approved scheme shall be implemented prior to the occupation of the development hereby approved and permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of Crime Prevention.

15. Refuse Management Plan

The development hereby permitted shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: details of the 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 the collection point); and that bins will not be stored in the open or at the

collection point apart from on the day of collection. The refuse management plan shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

The Refuse Management Plan shall be implemented and complied with by the Applicant, or its successor, upon occupation of the development and the Refuse Management Plan shall be permanently retained thereafter. Should the Applicant or its successor prefer to use the larger refuse vehicles, further amendments of Traffic Orders (TRO) on Hinton Road would need to be pursued at the developer's expense and in agreement with the Local Highway Authority (LHA). A plan showing the proposed new TRO shall be submitted to the LHA for approval in writing.

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 in the interests of highway safety

Informative Notes

4. 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.

5. Listed Building (alterations)

As alterations are being proposed to a Listed Building, before any of these works are undertaken you must obtain Listed Building Consent. Failure to do so is an offence

6. Building Regulations and Fire Requirements

Informative Note: It is assumed that consideration has been given to the requirements of the Building Control Regulations and Fire Service requirements in respect of the design of the submitted scheme and that the effects of compliance with these are represented by the application drawings. The Applicant is advised that the grant of Planning Permission does not imply that any additional works that may be required to comply with the Building Regulations will be acceptable in relation to this application.

Statement required by National Planning Policy Framework (Approvals)

The Council aims to take a solution focused, positive and proactive approach to development proposals. This includes working with applicants and agents by:

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

In this instance: The applicant was provided with pre-application advice. Following the submission of the application, the applicant/agent was updated of the need for amendments and further information to support the application. The applicant/agent responded by submitting amended plans and additional information, which was found to be acceptable, and permission was granted with conditions.

Background Documents:

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

In addition to uploaded information there may be other publicly accessible information that may be accessed on request.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.