

# Planning Committee

Application Address	Accommodation, St Michaels Hotel, 67 71 St Michael's Road, Bournemouth, BH2 5DR
Proposal	Outline submission for demolition of existing buildings and erect 44 apartments with bin and cycle storage
Application Number	7-2024-3073-R
Applicant	Aram Developments Ltd
Agent	ARC Architects Ltd
Ward and Ward Member(s)	Westbourne & West Cliff  Cllr John Beesley Cllr David d'Orton-Gibson
Report Status	Public
Meeting Date	6 March 2025
Summary of Recommendation	<b>Refusal in accordance with the details set out below for the reasons as set out in the report</b>
Reason for Referral to Planning Committee	Call-in request from David d'Orton-Gibson (Cllr John Beesley notified):  <i>'We do not feel the refusal of this planning application recognises the regeneration benefits and the blight on the community the current building presents. It would also fit in with the police principle of "clear hold build" by getting rid of a eyesore problem and replacing it with much needed accommodation in what is an important tourist area of the town'.</i>
Case Officer	Piotr Kulik
Is the proposal EIA Development?	No

## Description of Proposal

- Outline planning consent is sought for the demolition of the existing building and erection of a 4/5 storey building comprising of 44 flats with bin and cycle storage. All matters are under consideration except for landscaping.

## **Description of Site and Surroundings**

2. St Michaels Hotel is a large three storey building situated in the West Cliff and Poole Hill Conservation Area and its lawful use is a hotel. The property occupies a corner location with frontages to St. Michael's Road and Purbeck Road. The northern part of St. Michaels' Road contains compact development of mainly terraced hotels and guest houses, interspersed with historic flat conversions. The subject property signifies a change in the character of the street where to the south properties become a mixture of detached and semi-detached villas, predominantly in use as hotels and guest houses. The scale and appearance of the buildings within the road is consistent and is a good example of the historic evolution of central Bournemouth.
3. The existing property although not being listed, it is identified in the emerging West Cliff & Poole Hill Conservation Area Appraisal as making a positive contribution to the conservation area. It is a well detailed building characterised by painted brick walling, full height bay windows and oriel windows on decorative brackets, 4 pane sash windows with stone lintels and cills, slate roof, and a two-storey rear wing with a parapet and full height bay windows. The building sits comfortably in the conservation area and represents the historic development in this area. It is of an age, style, scale and material and architectural details that reflects other positive elements found in the conservation area.
4. The current application follows most recent planning refusal ref. 7-2021-3073-Q for the outline application for the demolition of the existing building and erection of a 4/5 storey building comprising of 38 flats with bin and cycle storage. This application was refused due to the following reasons:
  - a. *It is considered that by reason of the detailed design, siting, scale, bulk and height of the proposed replacement building, the scheme will result in an overly dominant and bulky building within the street scene that would appear unduly large within the existing context of the road. It would be an inappropriate form of development which would be out of keeping with and detrimental to the character and appearance of the area. The development is therefore contrary to the aims of policies CS21 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012), saved Policy 6.8 and 6.10 of the Bournemouth District Wide Local Plan (February 2002), Policy D4 of the Bournemouth Local Plan: Town Centre Area Action Plan (2013), the provisions of the adopted Residential Development: A Design Guide (2008) and the NPPF.*
  - b. *The proposed demolition and replacement building would irreversibly destroy the non-designated historic assets (Local Heritage Asset 'positive building' within West Cliff and Poole Hill Conservation Area) and would be harmful to the setting of the conservation area. It is considered that the proposed development would impact detrimentally upon the setting of the West Cliff and Poole Hill Conservation Area by harming the character and appearance of the conservation area to a level of 'less than substantial'. The design of the replacement building would fail to preserve the character and appearance of the conservation area. The development is therefore contrary to the aims of policies CS40 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012), saved Policy 4.4 of the Bournemouth District Wide Local Plan (February 2002), Section 16 of the NPPF, the emerging West Cliff and Poole Hill Conservation Area Appraisal and Management Plan and Section 72 of the Planning (Listed Buildings and conservation Areas) Act 1990.*
  - c. *Having regard to matters of layout, poor outlook and a poor level of external amenity space, the proposal would result in poor living conditions for the future occupiers of*

*the development and diminish the existing living conditions of the occupiers of 65 and 73 St. Michaels Road whose windows serving habitable space are presented towards the development site. The scheme would therefore be contrary to the provisions of policy 6.10 of the Bournemouth District Wide Local Plan, Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy and policies D4 and U2 of the Bournemouth Local Plan Town Centre Area Action Plan, Parts 3.7 & 4.1 of the Councils Residential Development Design Guide, and paragraph 130 of the NPPF.*

- d. The applicant has also failed to provide adequate details to justify how requirements set within the adopted Policy CS2 will be met. As such, the proposed works would be contrary to Policy CS2.*
- e. The applicant failed to provide an acceptable drainage strategy, as well as an appropriate and achievable surface water scheme. Therefore, the scheme failed to prevent flooding and provide satisfactory drainage in accordance with National Planning Policy Framework paragraphs 163, 165 and 170 and Policy CS4 of the Bournemouth Local Plans: Core Strategy (October 2012) by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.*
- f. The adopted Affordable Housing Development Plan Document (adopted 8 December 2009) sets out an approach to achieving contributions towards the delivery of affordable housing in the borough except where it is proven to not be financially viable. The proposed residential development fails to make an appropriate contribution towards affordable housing and is therefore contrary to the aims of policy AH1 contained within the Affordable Housing Development Plan Document (2009).*
- g. Furthermore, it is considered that the proposed development would place additional demand on the Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). The failure to make an appropriate contribution towards mitigation measures would have an adverse effect on the integrity of the sites and is considered contrary to Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012).*

## **Constraints**

- 5. The application site is located within Bournemouth Town Centre and the West Cliff and Poole Hill Conservation Area
- 6. Non-designated historic assets

## **Public Sector Equalities Duty**

- 7. 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**

8. 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.
9. 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**

10. Airfield Safety & Compliance Officer – No objection due to no safeguarding objections to this development provided there are no changes made to the current application.
11. Police Liaison Officer – Advice provided regarding safety measures around the site.
12. Local Highways Authority – No objection, subject to conditions  
  
Initial objection around inappropriate layby to service bin store and location of the cycle store were addressed through plan revisions.
13. Tourism Officer - No objection  
  
Due to the buildings poor condition both internally and externally, as well as a previous permission for the conversion of the site, there is no objection to this application.
14. Dorset NHS - Advice provided that a planning contribution is required.  
  
Officer's comments: It is considered that such request did not meet the requirements of s122 of the Community Infrastructure Levy Regulations 2010 as per a High Court case of *R (on the application of University Hospitals of Leicester NHS Trust) v Harborough DC [2023] EWHC 263 (admin)*.
15. Waste and Recycling – No objection  
  
Revised plans show bin collection point in a suitable location. The plans are suitable from a Waste Collection Authority perspective.
16. Local Lead Flood Authority – No objection, subject to conditions  
  
Revised plans show that the proposed drainage strategy and flood risk assessment is acceptable in principle.
17. Urban Design – No objection was raised to the revised plans, and it was agreed that the proposed design, scale, and siting of the proposed works is acceptable in principle. The revised scheme shows scale and articulation of the replacement that is reasonable in the street scene; however, concerns raised a Heritage Officer are noted.

18. Heritage Officer - The loss of this positive building strongly objected

Summary – The principle of the application, due to the resulting loss of a key component of the street, that contributes positively to the special architectural character and historic interest of the designated heritage asset, is overall detrimental and unjustified, the result of which would be a high level of less than substantial harm to the Conservation Area. As such officer support cannot be forthcoming.

19. Historic England – Objection

Summary - Historic England (HE) has concerns about this application. HE consider that the proposals would fail to enhance or better reveal the significance of the West Cliff and Poole Hill Conservation Area. Whilst some effort has been made to ensure that the proposed replacement building would be of a form and scale which would appear relatively contextual, the total loss of this positive building would result in unjustified harm to the character and appearance of the Conservation Area.

## **Representations**

20. Site notices were posted in the vicinity of the site on 18/04/2024 with an expiry date for consultation of 10/05/2024. Then, further re-consultation notices were posted in the vicinity of the site on 11/06/2024 with an expiry date for consultation of 21/06/2024.

21. 2no letters objecting the proposed works have been received. The grounds for objection are as following:

- The lack of parking;
- The Council's adopted Parking SPD is in breach of the NPPF;
- Conversion of the existing building is more preferable;
- The existing building has been purposely neglected;
- Overdevelopment of the site.

22. 4no. letters in support received:

- Reconstruction of flats is supported
- Redevelopment of the site would be beneficial to a lack community and economy;
- Poor state of the existing building;
- The old hotel building is an eyesore;

23. 1no. letter commenting but not objecting neither supporting the scheme. The comment states that the area is not attractive for a high density flats development.

24. Call-in request from David d'Orton-Gibson (Cllr John Beesley notified):

*'We do not feel the refusal of this planning application recognises the regeneration benefits and the blight on the community the current building presents. It would also fit in with the police principle of "clear hold build" by getting rid of a eyesore problem and replacing it with much needed accommodation in what is an important tourist area of the town.'*

## **Key Issue(s)**

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

- Principal of development
- Impact on character and appearance of the area
- Impact on residential amenity
- Living conditions for future occupants
- Housing Mix
- Highway safety
- Sustainable Energy
- Waste and Recycling
- Drainage
- Affordable Housing
- Heathlands contributions

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

### **Policy context**

27. Local documents:

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

Policy CS1 – Presumption in Favour of Sustainable Development  
 Policy CS2 – Sustainable Homes and Premises  
 Policy CS4 – Surface Water Flooding  
 Policy CS7 – Bournemouth Town Centre  
 Policy CS16 – Parking Standards  
 Policy CS18 – Encouraging Walking and Cycling  
 Policy CS21 – Housing Distribution across Bournemouth  
 Policy CS33, CS34 and CS35 Heathland and designated sites  
 Policy CS39 – Designated Heritage Assets  
 Policy CS41 – Quality Design

#### **Town Centre Area Action Plan (2013)**

Policy D1 – Presumption in favour of sustainable development  
 Policy D3 – Character Areas  
 Policy D4 – Design Quality  
 Policy T1 – Overarching transport and movement consideration  
 Policy T2 – Walking and Cycling  
 Policy T7 – Parking Strategy  
 Policy U2 – Housing

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

Policy 4.4 – Development in Conservation Areas  
 Policy 6.2 – Presumption in favour residential development subject to satisfying criterion  
 Policy 6.8 – Infill Residential Development  
 Policy 6.10 - Flat development

#### **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.

#### **Supplementary Planning Documents:**

- Affordable Housing – SPD
- Dorset Heathlands Planning Framework – SPD
- Public Realm Strategy: Guiding Principles - SPD
- Residential Development: A Design Guide - PGN
- Sustainable Urban Drainage Systems (SUDS) - PGN
- BCP Parking – SPD
- Emerging West Cliff and Poole Hill Conservation Area Appraisal

## 28. **National Planning Policy Framework (2024)**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

“For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole.”

The following 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 15 - Conserving historic environment

## **Planning Assessment**

### **Presumption in favour of sustainable development**

- 29. At the heart of the NPPF as set out in paragraph 11 is the presumption in favour of sustainable development, reiterated in Policy PP01.
- 30. NPPF Paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the

development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

31. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a five-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
32. The latest housing supply data shows as of 1 April 2024, BCP Council has 2.1 years against a 5-year housing requirement that includes a 20% buffer. For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant policies as out of date as the local planning authority is unable to demonstrate a five-year supply of homes. As such the tilted balance is engaged
33. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

#### Principle of the proposal

34. The site is considered acceptable for residential intensification, as acknowledged by Policy CS21 of the Core Strategy because it is within the boundaries of the Bournemouth Town Centre Area Action Plan. Indeed, planning permission ref. 7-2018-3073-P was granted for conversion to residential in August 2019.

#### Impact on character and appearance of the local setting and the Heritage Assets

35. It is proposed to demolish the existing building and to erect a 4/5 storey building comprising 44 flats (originally submitted 45 flats). The only matter reserved is landscaping. When comparing to the refused scheme ref. 7-2021-3073-Q, the current proposal shows a similar scale replacement block of flats but the depth to the rear has been reduced by approximately 9 metres (approximately 33 metres previously proposed, and now 24 metres), and alternations are had to the facades.
36. The proposed design shows some improvement to what was previously refused, notably the reduction of massing to the rear, along with the change in design to the facade's articulation. However, while the architectural features such as the gables, canted bays, brick detailing and decorative barge boards to relate to the overall historical context of the application site, the existing building sits within a prominent location and forms part of a line of historic terraced Victorian buildings. Although the design of the proposed building could be found acceptable in a different location, in contrast to the existing site setting, the design features of the proposed replacement building would disturb the built rhythm to part of the conversation area.
37. Similarly to the refused scheme, the Council's Heritage Officer considers that the proposal would not match the design quality of what is being lost, failing to preserve the character and appearance of the Conservation Area. This would be further assessed within following paragraphs below

#### Impact on Heritage Assets

38. The existing building is considered to be a 'positive building' with the West Cliff and Poole Hill Conservation Area. The demolition of the existing building was already strongly



objected by the Council while dealing with previous proposals including a recent refusal ref. 7-2021-3073-Q, as well as pre-application advice requests for the site. The principle of the loss of this positive building is considered to result in harm to the Conservation Area. As noted by the Council's Heritage Officer, the level of harm would be within the border of substantial harm.

39. The existing quality building significantly contributes to the interest of the West Cliff and Poole Hill Conservation Area, and its loss would need to be justified by a substantial public benefit to seek to outweigh the harm of the proposed works, therefore paragraph 215 of the NPPF is engaged. There are no material changes to policy circumstances since a permission for conversion of the building into 31 flats was granted in 2019 so it is unclear what the substantial public benefit emerges from the current scheme. The only justification being suggested is that a conservation is not viable hence the submitted details lacks convincing justification for the resulting harm. This is further emphasised by a lack of the submission of a viability assessment report by the applicant.
40. The proposed scheme does not adequately take into account Section 16 of the NPPF, including the need to minimise harm and ensure work is justified, as well as being contrary to Policy CS39 of the Core Strategy, Local Plan 'saved' Policy 4.4 and the emerging West Cliff and Poole Hill Conservation Area Appraisal and Management Plan and Section 72 of the Planning (Listed Buildings and conservation Areas) Act 1990. It is considered that in order to preserve and enhance the character of the conservation area and to make use of the existing building fabric, implementation of the previously granted scheme for the extension and conversion of the building would be preferable rather than the current scheme.
41. The building would appear to have suffered from a lack of maintenance and caution should be exercised in taking any deteriorated state of the building into account (paragraph 209 of NPPF). Furthermore, with a previously agreed conversion scheme it is considered that the proposal is not justified, and any small benefit of an additional 13 flats (over the approved 31 units) would in no way outweigh the harm to the conservation area from the loss of the existing building (paragraph 214). Officers consider that the form of the building very much appears to be driven by its function (number of units sought), rather than its context. The LPA would be failing in its duty to preserve and enhance conservation areas if the existing building were allowed to be replaced with the proposed scheme.
42. The current proposal would create an unsympathetic development of the site with a pastiche design that would fail to respect the built relationship and appearance of building in the West Cliff and Poole Hill Conservation Area. Officers do not agree with the applicant's statement suggesting that the existing building does not make a 'strong positive contribution' to the conservation area. The proposed pastiche design would not reflect the traditional appearance and authentic details of properties in the area and would fail to preserve the character and appearance of the conservation area. The existing building occupies a key position at the turn of the street and its loss would erode the significance of the late Victorian streetscene within this part of the West Cliff and Poole Hill Conservation Area.
43. Although landscaping details would be subject to an application for approval of reserved matters, officers consider that the scope for soft landscaping would be severely limited with little opportunity to add soft landscaping within the site that could have offset the loss of soft landscape features to be removed to the rear of the site. Overall, the development is considered to dominate the existing plot and is out character. It is therefore considered contrary to the Town Centre AAP Policies D3 and D4, Local Plan 'saved' Policies 4.4, 6.8 and 6.10, and Bournemouth Local Plan Core Strategy Policies CS39 and CS41.

### Impact on residential amenity

44. The submitted scheme initially proposed a roof terrace to the rear, which was then removed from the scheme as the terrace was considered to be harmful to 2no. adjoining flats due to overlooking concerns.
45. The application property is the first property on this side of the road after St. Michaels Road and Purbeck Road join after passing round a central island of properties. Unlike Purbeck Road opposite where the properties form a continuous run of built form, Nos.61, 63, and 65 St. Michaels Road are set back from the pavement. Newark Hotel, 65 St. Michael's Road is an end of terrace property is located to the NE and E of the subject site, sharing a common side boundary. The property is three storeys to eaves with additional roof accommodation and lower ground floor accommodation. There are rear extensions which have windows overlooking the application site. The existing arrangement means that the outlook from the front of No.65 partly looks out over the end elevation bays of the application property. The rear wing of the existing building is attached to the flank elevation of No. 65 St. Michael's Road.
46. The proposed demolition with a replacement building will change the relationship between the application site and No. 65. Although 1-2 metres and approximately 4.5 metres gaps to the northern-west and north-east boundaries respectively will be provided, the replacement building would be bulkier than the existing hotel on site. However, to reduce the impact upon the neighbouring hotel at No. 65, the applicant has decided to step back the proposed elevations facing No. 65 to allow more 'breathing space'. Also, it should be noted that there are proposed side facing windows above the ground floor level serving habitable bedrooms (Flat 21, 30 and 39) that would only provide some angle views towards the front facing bay windows at No. 65. Finally, given No. 65 serves as a hotel rather than a residential building, the balanced impact of the scheme is considered to be acceptable.
47. Manchester Hotel, 56 St. Michaels Road is a three to four storey property is located on the opposite side of the road to the application site. Given the existing relationship, the addition of a further level of accommodation at roof level is unlikely to result in any harmful impact over and above the impact already experienced between these properties.
48. No. 73 St. Michaels Road is a converted block of flats located to the south of the application site, sharing a common side boundary and vehicular access between the buildings. The access to the rear parking area serving No. 73 would not be affected. Given the nature and scale of development proposed, it is considered that the scheme would not result in further loss of light at No. 73 when comparing to the current situation as similar separation distances will be retained. The proposals show habitable bedroom windows above the ground floor level that would face No. 73. However, no direct overlook of habitable windows at No. 73 would not occur.
49. Given the above, the proposed works are considered to be in line the Town Centre AAP Policy D4, Bournemouth Local Plan Core Strategy Policy CS41 and "Residential Development. A Design Guide".

### Future living conditions

50. The Government's Technical Standards provide guidance on the size of accommodation that is proposed. Each of the proposed flats will have rooms that would benefit from a window and natural light. The proposals would also need to provide acceptable living accommodation for future residents meeting the Government's Technical Housing Standards (THS) as specified by the technical guidance. The Council uses the DCLG Technical Housing standards to inform the quality of internal living environment for new dwellings.
51. National space standards require the following gross internal floor area for a 1-bedroom and 2-bedroom units:
- 1 bedroom, 1 person dwelling set over 1 storey – 37 square metres
  - 1 bedroom, 2 person dwelling set over 1 storey – 50 square metres
  - 2 bedroom, 3 person dwelling set over 1 storey – 61 square metres
  - 2 bedroom, 4 person dwelling set over 1 storey – 70 square metres
- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/524531/160519\\_Nationally\\_Described\\_Space\\_Standard\\_Final\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf)
52. The proposal is for 5no. studios, 26no. 1-bedroom, and 13no. 2-bedroom residential units. The submitted details confirm that floorspace of these units would be in line with the minimum space standards. Also, the proposals would also occupy a sustainable location.
53. Latest revisions to the scheme indicate that the initially proposed basement flats with poor outlook to the front of the site have been removed. Also, patios and balconies to flats at the rear were introduced. Overall, the case officer considers that the proposed works are on balance acceptable given a highly sustainable location of the site with numerous facilities and amenities, including a local seafront within a walking distance from the application site.
54. Given the above, it is considered that the proposed works would on balance comply with provisions of Policy 6.8 and 6.10 of the Bournemouth District Wide Local Plan 2002 (the Local Plan), Policies CS21 and CS41 of the Bournemouth Local Plan Core Strategy 2012 (the Core Strategy), Part 3 of the Residential Development – A Design Guide SPG 2008 (the Design SPG), and D4 of the Town Centre Area Action Plan and Residential Development: A Design Guide.

### Housing Mix

55. The residential design guide and Policy 6.10 recognise the contribution flats redevelopment schemes make to meeting housing need as they are considered to make an efficient use of land in meeting housing need, but recognise that such provision should be design led, being informed by the site context and site-specific constraints rather than being driven solely by maximising densities.
56. The criteria for residential development is set out in Policy CS21: Housing Distribution across Bournemouth and Policy U2. Amongst other criteria, these policies seek a mixture of unit sizes and Policy CS21 refers to the SHMA. Evidence from the BCP and Dorset Local Housing Needs Assessment 2021 indicates that there is a greater need for 2 and 3

bed housing in BCP than 1 bed (5% 1 bed, 35% 2 bed, 40% 3 bed and 20% 4 bed). Also, Policy U2 of the Town Centre AAP requires a mix of units within developments.

57. In this case the proposal would not provide the mix of units required by Policy U2 providing predominantly 1-bedroom flats (5x Studio flats, 26 x 1-bedroom and 13 x 2-bedrooms). This should also be weighed up against the overall merits of the proposal discussed further in this report.

### Highway Safety

58. The consulted Local Highway Authority (LHA) Officer initially raised objection to the proposed works due to a lack of information regarding servicing, inappropriate location for bin store, and inappropriate location of the cycle store. Revised plans have been submitted by the applicant in response to the original comments provided. The re-consulted LHA Officer confirmed that a revised site plan showing bin collection point is now acceptable.
59. The Council's traffic team have also confirmed that they would support an on road delivery and refuse collection bay. The provided quote is £2,100 which will need to be included in a S106 agreement. The LHA confirmed that the redundant dropped kerb needs to be reinstated to full height kerbs to improve walking environment and to stop vehicles pulling up and parking on the footway. The applicant needs to identify the kerbs to be dropped, to allow bin/cycle access which should be an entrance kerb and all the redundant kerbs that need to be full height kerbs. Such details can be conditioned.
60. Therefore, the proposed works are on balance in line with relevant Policies CS18 and CS41 of the Bournemouth Local Plan Core Strategy (October 2012), The Parking Standards SPD (2021) and the aims of Paragraphs 115 and 117 of the National Planning Policy Framework (2024) which seek new development to provide safe and suitable access for all, to create safe and secure layouts minimising conflicts between traffic and pedestrians, to give priority first to pedestrian and cycle movements, to ensure appropriate opportunities to promote sustainable transport modes have been taken up in accessible and convenient locations.

### Sustainable energy

61. Policies CS2 and CS3 of the Core Strategy require developments to be sustainable and to embrace the use of renewable/low carbon energy generations. The Applicant has failed to provide information which outlines how the building will be energy efficient. However, a condition could be introduced to outline the final design in this respect and meet the requirements of the relevant policies, including the guidance set out in Policy CS2, the Town Centre Development Design Guide 4.2 and the Residential Design Guide 3.10 in terms of the careful use of natural resources.

### Biodiversity

62. Latest version of the National Planning Policy Framework has a strong development focus there are a number of paragraphs that give substantial weight to environmental issues and make clear that the planning system has a powerful and positive role to play in protecting and enhancing biodiversity.

63. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
64. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan at Policy PP33 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
65. In addition, a 10% biodiversity net gain (BNG) is required as per the Environment Act 2021. An ecological impact assessment and Biodiversity Metric has been submitted with the application. The agreed metric demonstrates that 491.01% BNG can be achieved.
66. The final BNG metric indicates that the applicant will provide the baseline habitats that consist of modified grassland and less than 5 poor condition trees. The consulted Council's Ecologist agreed that the proposed on-site habitat creation would not be 'significant' and therefore would not require monitoring fees. Consequently, in case of officer's recommendation for approval, the Landscape and Ecology Management Plan (LEMP) would be conditioned. Subject to condition, the proposal can be made acceptable and in accordance with the relevant legislation and Policy CS35 of the Core Strategy.
67. The Ecologist also confirmed that if application granted permission the biodiversity recommendations as given in section 4 and appendix F of 'PRA, Nesting Birds And Bat Activity Survey Report 67- 71 St Michael's Road' by ABR Ecology Ltd to be secured by condition that they must be implemented in full.

#### Waste and Recycling

68. The final confirmed a large bin store, and as requested by the Council's Waste Management Officer, bin collection points have been presented on the agreed plans. As such, the proposed works are considered to be suitable from a Waste Collection Authority perspective.

#### Drainage

69. The application site qualifies as major development and therefore requires our ongoing involvement as a technical consultee. All (major) development proposals have to be supported by a (conceptual) strategy of surface water management in accordance with the National Planning Policy Framework (NPPF), which demonstrates both that the proposed development and any adjoining property or infrastructure are not to be placed at risk, or to suffer from any worsening.
70. The site is located within current day Flood Zone 1 and has a very low risk (less than 0.1% annual probability) of surface water flooding. The application form indicates the total site area is 0.10ha. The existing site use is as a hotel and the proposed scheme comprises residential development (apartments). The development proposals include the demolition of the existing hotel building and construction of a 4/5 storey building comprising 38 flats. An outline surface water drainage strategy is required to support an outline planning submission. Initially, the Local Lead Flood Authority (LLFA) Officer objected the proposed

works due to a lack of drainage strategy report / statement and drainage layout plan being submitted by the applicant.

71. It is not considered it would be would not be appropriate for the Planning Authority to recommend approval, or the attachment of relevant planning conditions to the current (Outline) application, until the Council is confident that these proposals are supported by an appropriate drainage strategy for the management of surface water. An objection was raised by the Local Lead Flood Authority due to a lack of an acceptable drainage strategy. Such objection could be overcome via the submission of further details and clarification. The Council will not be in position to support the proposed works until an appropriate and achievable surface water scheme has not been approved in-principle.
72. The applicant submitted a drainage strategy, and it is now proposed that all surface water on the site would be drainage via a soakaway. This would accords with the SuDS hierarchy; and is supported by the evidenced infiltration testing. As such, the LLFA officer decided to withdraw the initial holding objection as regards the drainage strategy subject to appropriate pre-commencement conditions. However, in view of the shortcomings of the testing we will require further testing at detail design stage. This will be important as should the infiltration rate prove to be worse than indicated by the current results, a larger soakaway may be required.
73. In terms of flood risk assessment, the LLFA raised concerns around the impact upon the lowest level flats, which may be at risk of flooding. Revised details were provided and the statutory consultee considered that under design storm conditions, development will be sufficiently flood resilient and flood resistant. However, some concerns regarding the finished floor levels and the levels of the rear boundary remains. Nevertheless, the LLFA confirmed that it is an unavoidable issue wherever the building FFL is lower than the level at the site boundary and can only be fully resolved by either raising the FFL or lowering boundary level. The residual risk may be addressed by providing an enhanced maintenance programme; flood doors (as noted on the drainage strategy drawing) and other measures are included as recommended in the Code of Practice for Flood Resilience (CIRIA C790), as well as raising of the dropped kerb on St Michael's Rd (to help prevent surface water flow from the road entering the site). In summary, there are no associated flood risk objections subject to conditioning a detailed surface water management scheme, as well as details of maintenance and management of the surface water sustainable drainage scheme.

#### Heathland Mitigation

74. The site is within 5km of a designated Dorset Heathlands SPA (Special Protection Area) and Ramsar Site, and part of the Dorset Heaths candidate SAC (Special Area of Conservation) which covers the whole of Bournemouth. As such, the determination of any application for an additional dwelling(s) resulting in increased population and domestic animals should be undertaken with regard to the requirements of the Habitat Regulations 1994. It is considered that an appropriate assessment could not clearly demonstrate that there would not be an adverse effect on the integrity of the sites, particularly its effect upon bird and reptile habitats within the SSSI.
75. Therefore, as of 17<sup>th</sup> January 2007 all applications received for additional residential accommodation within the borough is subject to a financial contribution towards mitigation measures towards the designated sites. A capital contribution is therefore required and in this instance is £15,312 (44x £348 per flat), plus a £765.60 administration fee. A signed

legal agreement has not been completed to provide this contribution as it is recommended refusal.

### Affordable Housing

76. All applications proposing residential development in excess of 10 units net will be subject to the Council's adopted affordable housing policy. The affordable housing DPD sets out an approach to achieving contributions towards the delivery of affordable housing in Bournemouth. Policy AH1 contained within DPD requires all residential development to contribute towards meeting the target of 40% affordable housing. When considering residential development, the Council will seek a 40% contribution except where it is proven to not be financially viable. The DPD was revised in November 2011 and sets out in greater detail how the DPD will be implemented as well as including an indicative contribution table which applicants can agree to rather than submit viability information.
77. In this instance, an independent review of the viability assessment supplied by the applicant was provided by a District Valuer Service Officer. It was concluded that the proposed development can support a contribution towards Affordable Housing. However, a signed legal agreement would be required to secure such contribution but has not been progressed in view of the recommendation to refuse.

### Community Infrastructure Levy

78. The development proposal is not liable to a community infrastructure levy charge.

### **Planning Balance**

79. The proposed scheme would contribute to the need for new housing, delivering 44 additional flats. However, the NPPF places 'great weight' on the conservation of heritage assets. The assessment in this report has concluded there would be harm to designated heritage assets and these would provide clear reasons for refusal of the development in accordance with paragraph 11d(i) of the NPPF.
80. The proposed works would also result in considerable harm to the special interest of the conservation area due to a loss of a 'positive building' and would not enhance or better reveal its significance. The harm arising would be less than substantial, high level in nature and unjustified. The development is therefore contrary to the aims of policies CS40 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012); saved Policy 4.4 of the Bournemouth District Wide Local Plan (February 2002)
81. In conclusion, with the tilted balance in mind, the adverse impacts of the proposal will significantly and demonstrably outweigh the benefits provided through the provision of new housing. The proposal will not therefore achieve the economic, social and environmental objectives of sustainable development in accordance with the provisions of the NPPF. The existing building conversion has already been approved for 31 flats, so the net benefit of 13 flats is considered limited when weighed against the harm caused by the current application. On this basis, and in accordance with paragraph 11d(ii) of the NPPF, the application is recommended for refusal.

### **Recommendation**

82. **Refuse** for the following reasons:

1. **Heritage impacts and loss of a 'positive building'**

The existing Victorian building, a non-designated heritage asset, makes a positive contribution to the character and appearance of the conservation area. The proposed demolition, and total loss of this irreplaceable asset, would have a detrimental impact on the street scene and would not preserve or enhance the character or appearance of the West Cliff and Poole Hill Conservation Area. It would result in considerable harm to the special interest of the conservation area and would not enhance or better reveal its significance. The harm arising would be less than substantial, high level in nature and unjustified. The development is therefore contrary to the aims of policies CS40 and CS41 of the Bournemouth Local Plan: Core Strategy (October 2012); saved Policy 4.4 of the Bournemouth District Wide Local Plan (February 2002); Chapter 16 of the NPPF including paragraphs 202, 210, 212, 213, 215, 219, 220; the emerging West Cliff and Poole Hill Conservation Area Appraisal and Management Plan; and, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. **Affordable Housing**

The adopted Affordable Housing Development Plan Document (adopted 8 December 2009) sets out an approach to achieving contributions towards the delivery of affordable housing in the borough except where it is proven to not be financially viable. The proposed residential development fails to make an appropriate contribution towards affordable housing and is therefore contrary to the aims of policy AH1 contained within the Affordable Housing Development Plan Document (2009).

3. **Heathlands mitigations**

The proposed development would place additional demand on the Dorset Heathlands SPA (Special Protection Area), Ramsar Site and Dorset Heaths SAC (Special Area of Conservation). The failure to make an appropriate contribution towards mitigation measures would have an adverse effect on the integrity of the sites and is considered contrary to Policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012).

**Informative Note: Refusals**

INFORMATIVE NOTE: For the avoidance of doubt the decision on the application hereby determined was made having regard to the following plans: 9738/100 rev. E; 9738/101 rev. C; 9738/102 rev. C; 9738/103 rev. C; 9738/104 rev. C; 9738/105 rev. C; and 9738/106 rev. C.

**Statement required by National Planning Policy Framework (REFUSALS)**

In accordance with paragraph 38 of the revised NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance: The applicant/ agent took the opportunity to enter into pre-application discussions. However, following a submission of the current application, the applicant was



advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these problems.

## **Background Documents:**

### **Case File – ref 7-2024-3073-R**

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 formal consultation response and representations submitted by the applicant in respect of the application.

Case Officer Report Completed

Officer: Piotr Kulik

Date: 20/02/2024

Agreed by: Katie Herrington

Date: 21/02/2025

Comment: