
Appeal Decision

Site visit made on 25 June 2018

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 July 2018

Appeal Ref: APP/G1250/W/17/3191966

3 Wickham Road, Bournemouth BH7 6JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by European Emerging Markets Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-2071-O, dated 22 December 2016, was refused by notice dated 3 July 2017.
 - The development proposed is demolition of the existing building and the erection of a new block containing 10 residential units in total with associated access, cycle and bin stores.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application is submitted in outline with details of access, layout and scale for consideration. Appearance and landscaping are reserved for future approval. The submitted elevations show the scale of development being proposed but I have treated the architectural detailing as illustrative.

Main issues

3. The main issues in this case are:
 - a) the effect of the proposal on the supply of employment land and premises within Bournemouth;
 - b) whether demolition of the existing building is acceptable in light of development plan policy and the emerging Boscombe and Pokesdown Neighbourhood Plan; and
 - c) the effect of the proposed development on the character and appearance of the area.

Reasons

Employment land and premises

4. The appeal premises comprise a substantial two-storey industrial warehouse type building within a predominantly residential street. The building was vacant at the time of my visit, but I understand that it was previously occupied by a

nursing supplies company before it relocated. The Council does not dispute that the former use fell within Class B8 (storage and distribution).

5. Policy CS27 of the Bournemouth Local Plan: Core Strategy (2012) (CS) seeks to protect unallocated employment sites. The policy states that development resulting in the loss of sites or premises used, or last used, for B-Class uses will not be permitted unless it can be demonstrated that either the current use causes environmental problems; or the location of the premises is no longer suitable for employment use. The policy explains that when alternative uses are being considered, employment generating uses will be favoured over residential development. Prior to non-employment uses being considered it must be demonstrated that an employment use is not forthcoming and the land and/or premises has been sufficiently and realistically marketed for a minimum of 12 months.
6. According to the evidence, the site has been marketed for over 18 months. It was initially offered for sale or rent through the Goadsby website and internet property portals for a period of 9 months. Subsequent to that a new agent was appointed and the premises were marketed freehold with a substantial increase in the asking price. The sales particulars focused on the potential for residential development. I am told that two offers were made during this second marketing phase. The first offer at £400,000 was well below the £595,000 asking price and was declined. The second offer was not proceedable.
7. I am unclear, based on the available evidence, why the first offer was declined. The appellant's own viability assessment indicates that the building would struggle to achieve a higher sale price on account of its poor condition and the need for costly rehabilitation. Although details are sketchy, the appellant's statement indicates that the substantive offer was for the lawful employment use. Given the issues highlighted in the viability assessment, I would have expected the offer to have been viewed positively.
8. The Council refers to an offer for the premises which was turned down. The proposed use was as an artists' studio and archive, an art supply business (currently employing 12 people), studio space for creatives, incubator space for graduates and a community event space. No details have been provided regarding the terms of the offer and this limits the weight I can attach to it. Nevertheless, the information casts doubt in my mind over the robustness of the marketing evidence.
9. The building will clearly require significant investment in order to meet modern standards. However, the cost implications have not been properly quantified and I cannot be certain, on the basis of the available evidence, that employment re-use would be economically unviable. The location of the site within a residential area, constrained manoeuvring space for large goods vehicles and fragmented internal layout with restricted floor to ceiling heights all mean that the appeal premises would not be practical for many commercial occupiers who are likely to be more attracted to modern units elsewhere. Nevertheless, there is no compelling evidence to demonstrate that the premises are no longer suitable for employment use by reason of their location or environmental impact. The site is located adjacent to a key transport route and near to a railway station and therefore it does not automatically follow that employees would contribute to parking stress on local streets.

10. Drawing the threads together, I consider that the appellant has failed to satisfactorily demonstrate compliance with CS Policy CS27. Whilst I note advice within paragraph 22 of the National Planning Policy Framework (the Framework) in relation to allocated employment sites, I cannot be certain that there is no reasonable prospect of the appeal site being brought back into employment use. As such, I conclude that the proposal would result in the unjustified loss of an employment site to the detriment of the local economy in Bournemouth.

Demolition of existing building

11. The appeal property stands out as one of the only commercial premises in a predominantly residential street. The building is on a larger scale than the dwellings surrounding it and, notwithstanding the brick detailing on the façade which is the main feature of interest, the style of architecture is simple to reflect the function for which it was originally designed. The Council considers the site to be a fine example of a Victorian warehouse/factory which reflects the history of Pokesdown, an area based around businesses and activities starting up close to railways. On this basis it has treated it as a non-designated heritage asset.
12. CS Policy CS40 explains that the local planning authority will seek to protect local heritage assets by only supporting development that sustains or enhances the significance of the heritage assets. In this context, local heritage assets are defined as those which have been positively identified by the Council as having a degree of significance.
13. The building is not statutorily listed and is not located within a conservation area. Furthermore, it does not appear on the Council's 'List of Locally Important Buildings', inclusion on which would require a process of public consultation and adoption. It is evident that the property has not been positively identified as a local heritage asset under development plan policy and its demolition would not give rise to a policy conflict.
14. Notwithstanding the above, the building is recognised within the draft Boscombe and Pokesdown Neighbourhood Plan (emerging NP) as a candidate for listing at local level. Policy BAP2 of the draft plan states that development will retain, preserve and enhance such buildings which are of special architectural or historic interest.
15. The definition of 'heritage asset' within the Glossary to the Framework does not preclude assets identified by third parties and therefore it is reasonable to treat the appeal building as a non-designated heritage asset, albeit there has been limited assessment of its significance. Paragraph 135 of the Framework advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
16. The emerging NP has not yet reached an advanced stage of preparation. However, it has been subject to formal consultation¹ and a Regulation 14 Consultation Statement was published in March 2018. This indicates support for Policy BAP2, and for inclusion of the appeal property on the local list. However, the emerging NP makes clear at paragraph 7.20 that listing will require working

¹ Under Regulation 14 of The Neighbourhood Planning (General) Regulations 2012

closely with heritage officers from Bournemouth Council. Identification of the property within the neighbourhood plan does not mean it is locally listed.

17. I must bear in mind that there is no protection for the building as it stands. Prior approval has already been granted for demolition and I cannot ignore the realistic possibility that this course of action would be taken in the event of the appeal being dismissed. Whilst I attach some limited weight to the harm arising from the demolition of the building, and more particularly its façade, the fallback position means that the appeal does not turn on this issue.

Character and appearance

18. Concern is raised regarding the design of the proposed replacement building. The appellant argues that the scheme takes cues from the existing structure and other examples of warehouses that have been converted to residential use. The scale of the development would be comparable to existing. However, the complex massing, hipped roof form and use of dormer windows would bear little resemblance to a traditional factory/warehouse, and in my opinion the development would read as a bland modern apartment block. Whilst the elevations are illustrative, the plans fail to satisfy me that the replacement scheme would display the high quality of design necessary to justify demolition of the existing building. Neither am I convinced that it would integrate with the attractive Victorian/Edwardian architecture which characterises Wickham Road.
19. I share the Council's concern regarding the lack of legibility arising from the failure to include a formal entrance onto Wickham Road. The site frontage would also be dominated by parked cars, with insufficient soft landscaping and boundary treatment. This would contribute to a poor appearance in the street scene.
20. Even if the loss of the existing building were deemed to be acceptable, the appeal scheme would fail to take the opportunities available to produce a locally distinctive development. I conclude that the proposal fails to demonstrate the high quality design sought by CS Policy CS41 and the Framework.

Other matters

21. I have been provided with a signed Unilateral Undertaking which would secure a financial contribution towards Strategic Access Management and Monitoring. The Council has confirmed that this would mitigate the impact of the scheme upon the Dorset Heathlands European sites, in line with the requirements of CS Policy CS33 and the adopted Dorset Heathlands Planning Framework Supplementary Planning Document 2015-2020.

Planning balance and conclusion

22. I have found that the proposal would conflict with CS Policies CS27 and CS41 in respect of the loss of employment use on the site and the design of the replacement building. I must therefore consider whether there are other material considerations to outweigh this policy conflict.
23. The proposal would deliver 10 dwellings in a sustainable location which is being promoted for 'urban intensification' under CS Policy CS21. Given the impetus within the Framework to boost significantly the supply of housing, this benefit must carry considerable weight.

24. The scheme would also provide a passing bay on Warwick Place in deference to the Council's long term objective of widening the lane. However, the absence of any legal mechanism to dedicate the land as public highway tempers the weight I can attach to this.
25. The slight reduction in building height and depth compared to the existing warehouse would enhance the living conditions of occupiers of 5 Wickham Road. The removal of a metal staircase would also improve privacy for residents at 1B Wickham Road. The benefits would be small but they weigh in favour of the proposal.
26. It has been argued that the existing building is becoming dilapidated and that it will continue to deteriorate. To my mind, the deliberate inaction of a landowner is not a factor to which I should attach any major weight, given that the Council has powers of remedy under S215 of the Act.
27. Overall, I consider that the harm would outweigh the benefits, notwithstanding the identified need for housing in Bournemouth. There are no material considerations of such strength or significance as to justify making a departure from the development plan.
28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR