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## 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**

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**Appeal Ref: APP/G1250/W/17/3191922**  
**40 Florence Road, Bournemouth BH5 1HQ**

- 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 Holton Homes against the decision of Bournemouth Borough Council.
  - The application Ref 7-2017-2018-E, dated 5 June 2017, was refused by notice dated 22 November 2017.
  - The development proposed is demolish doctor's surgery and replace with a new development of 9no flats with associated parking.
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### Decision

1. The appeal is allowed and planning permission is granted to demolish doctor's surgery and replace with a new development of 9no flats with associated parking at 40 Florence Road, Bournemouth BH5 1HQ in accordance with the terms of the application, Ref 7-2017-2018-E, dated 5 June 2017, subject to the conditions set out in the attached schedule.

### Application for costs

2. An application for costs was made by Holton Homes against Bournemouth Borough Council. This application will be the subject of a separate decision.

### Procedural matter

3. The application is made in outline with details of access, appearance, layout and scale for consideration. Landscaping is a reserved matter for future approval. I have dealt with the appeal on this basis.

### Main issues

4. The main issues in this case are:
  - a) whether demolition of the existing building is acceptable in light of development plan policy and the emerging Boscombe and Pokesdown Neighbourhood Plan;
  - b) whether the proposed development would provide acceptable living conditions for future occupiers, with specific reference to the size of the accommodation and the provision of external amenity space; and
  - c) whether any adverse impacts in respect of the above matters would be outweighed by the benefits of the scheme.

## Reasons

### *Demolition of existing building*

5. Florence Road is a pleasant suburban street containing a varied mix of period villas, modern apartment blocks and flat conversions. No 40 Florence Road was most likely constructed as a single residence but at some point in its history was converted to a doctor's surgery. That use ceased, leaving the premises vacant. The building has visual appeal due to the quality of its architecture. Features of note include the steeply pitched roof and twin forward projecting gables with decorative barge boards and two-storey bay and the lean-to orangery at the side. Inside I saw an original staircase with a stained glass window on the first floor landing.
6. Relevant development plan policy is set out in Policy CS40 of the Bournemouth Local Plan: Core Strategy (2012) (Core Strategy). This 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.
7. No 40 is not statutorily listed and is not located within a conservation area. Furthermore, the building 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.
8. 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.
9. The definition of 'heritage asset' within the Glossary to the National Planning Policy Framework (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. 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.
10. The emerging NP has not yet reached an advanced stage of preparation. However, it has been subject to formal consultation<sup>1</sup> 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 closely with heritage officers from Bournemouth Council. Identification of the property within the neighbourhood plan does not confer any form of protection. That said, as an indicator of the building's social and communal value, the emerging NP can be treated as a material consideration. I shall return to this in the planning balance.

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<sup>1</sup> Under Regulation 14 of The Neighbourhood Planning (General) Regulations 2012

### *Living conditions*

11. The Council does not have any adopted standards for the minimum size of dwellings. It has been put to me that the proposed flats do not meet the government's Nationally Described Space Standard. However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can only be applied where there is a relevant current local plan policy. In this case, there is no relevant current policy and consequently this is not a matter which carries any significant weight against the proposal. In my judgement, the floorspace of the proposed flats, which would range from 54 to 62 m<sup>2</sup>, would provide occupants with adequate space to live comfortably.
12. Concerns are also raised that the proposal would not provide sufficient external amenity space of an appropriate quality. Whilst it may be preferable for each of the units to have access to a garden or balcony, I have not been directed to any policies which require such provision. I also note that it is not the norm for flatted schemes in this location. Residents of the development would have access to Shelley Park and the coastal strip, both of which are within easy walking distance.
13. I acknowledge that the new flats may not be attractive to all types of occupier, appealing more to individual occupiers and couples than to families with children. However, the Framework advises local planning authorities to deliver a wide choice of high quality homes and against this background I consider the appeal scheme to be satisfactory.
14. In conclusion, the proposed development would provide acceptable living conditions for its residents. I find no conflict with Core Strategy Policy CS41 insofar as it seeks to ensure that all development provides a high standard of amenity to meet the day to day requirements of future occupants.

### **Other matters**

15. It is contended that the List of Locally Important Buildings is out-of-date and that exclusion of a building should not automatically mean it is of no interest. I give this argument limited weight. There have been a number of missed opportunities to locally list the building – when the Council considered earlier planning applications to redevelop the site for example, and again when the most recent planning permission expired.
16. The submitted Unilateral Undertaking (UU) would secure a financial contribution towards Strategic Access Management and Monitoring to mitigate the adverse impact on the Dorset Heathlands European sites, in accordance with Core Strategy Policy CS33 and the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document. I consider that the measures in the UU are necessary, directly related to the development and fairly and reasonably related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.

### **Planning balance**

17. There would be no conflict with development plan policy insofar as it seeks to protect local heritage assets. Notwithstanding this, the proposal would run contrary to the aspiration, as expressed through the emerging NP, for retaining the existing building. The Government's neighbourhood planning agenda aims

to give communities direct power to develop a shared vision for their neighbourhood and to shape the development and growth of their local area. This is a material consideration of high importance. However, the weight I can attach to it in this case is tempered by the fact that the emerging NP has not yet been examined or subject to a referendum.

18. I must also bear in mind that there is no statutory 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. I have attached the fallback position significant weight.
19. The harm to the character of the area arising from demolishing the building must be balanced against the benefits of using previously developed land to provide much needed housing in a location which is within 400 m of a key transport route and within walking distance of local services within Boscombe. It is noteworthy that Core Strategy Policy CS21 seeks urban intensification in such sustainable locations.
20. The Council raises no specific concerns regarding the external design of the proposed development. The new building would be of an appropriate scale and mass for the site and its elevational treatment and detailing would respect the Victorian heritage of the area. In my opinion, the appeal scheme would be of high quality design and it would contribute positively to the street scene.
21. The proposal would be acceptable in all other respects. It would provide satisfactory living conditions for future occupants and subject to conditions requiring obscured glazing and high level roof lights there would be no adverse impact on the amenities of neighbouring residents. Moreover, the scheme would meet the Council's adopted standards in relation to car parking and storage for bicycles and bins.
22. I can appreciate that the loss of the existing building will come as a great disappointment to the local community. However, on balance and taking all factors into account I consider that the harm is outweighed by the benefits. I therefore intend to allow the appeal.

### **Conditions**

23. I have considered the Council's suggested conditions against the six tests set out in paragraph 206 of the Framework and advice within the Planning Practice Guidance. Where necessary I have amended the wording to improve precision and enforceability.
24. In addition to the standard conditions for outline permissions I have imposed a condition listing the approved plans in the interests of certainty. To ensure that the development has an acceptable appearance a condition is necessary to secure information regarding materials and architectural detailing. To protect retained trees a further condition is needed to ensure that construction is carried out in accordance with the submitted Arboricultural Method Statement.
25. A condition is also necessary to ensure the disposal of surface water in line with sustainable drainage principles. I have attached additional conditions to secure car parking and cycle storage, in the interests of highway safety and promoting sustainable transport modes respectively.

26. In the interests of the living conditions of surrounding residents and future occupiers, it is important that the proposed bin stores are built prior to the scheme being brought into use and that the management and collection of waste takes place in accordance with the details submitted.
27. To prevent overlooking of adjoining dwellings conditions are necessary to require obscured glazing and high level roof lights in the side elevations. The development also has the potential to disturb local residents during the demolition and construction phases and therefore it is necessary to obtain a Construction Method Statement and to control hours of working via condition.
28. Finally, notwithstanding my decision to allow the appeal, it is clear that the existing building is of local interest. It is therefore reasonable in the circumstances to impose a condition requiring the submission to the local planning authority of a photographic record.

### **Conclusion**

29. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*Robert Parker*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) Details of the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan nos. 8888/100E, 101C, 102E, 103C, & 104.
- 5) No development (including works of demolition) shall commence until a record of the existing building in paper and digital format has been submitted to and approved in writing by the local planning authority. The submitted record shall include archive quality black & white photography, together with some representative colour photographs, of the interior and exterior of the building.
- 6) No development (including works of demolition) shall commence until there has been submitted to and approved in writing by the local planning authority a Construction Method Statement that includes the following measures:
  - a) parking arrangements for operatives and construction vehicles;
  - b) noise reduction measures including times of any piling operations; and
  - c) details and siting of equipment, machinery and materials on the site.

The development shall be carried out in accordance with the approved details.

- 7) No development shall commence until details (and samples where requested) of the small clay roof tile, fish scale tile hanging, facing brick, bargeboard and eaves detailing, finials, decorative ridge tile, windows and doors, window reveals, stonework to sills and headers and banding detail to be used in the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall commence until a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS) has been submitted to and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the approved details prior to occupation of the development or in accordance with a timetable to be agreed in writing by the local planning authority. The scheme shall include the following as appropriate:
  - a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths) and roofed areas.
  - b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted run-off.
  - c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).

- 9) The development hereby permitted shall not be occupied until the parking spaces have been laid out in accordance with the approved plans. These shall be kept available for any resident of the development and those persons visiting residents of the development and shall remain unallocated to any specific resident or residence for the lifetime of the development.
- 10) The development hereby permitted shall not be occupied until the cycle store has been provided in accordance with the approved plans. The cycle store shall thereafter be retained, maintained and kept available for the occupants of the development at all times.
- 11) The development hereby permitted shall not be occupied until the bin stores have been constructed in accordance with details to be first submitted to and approved in writing by the local planning authority. The bin stores shall be retained and maintained for the storage of waste and recycling thereafter.
- 12) Flats 4, 5 and 6 (as numbered on Plan no. 8888/101 C) shall not be occupied until the lower panes of the first floor windows within the side (east and west) elevations of the building have been glazed with obscure glass to a level equivalent to Pilkington Level 3 or above (or the nearest equivalent standard) and fixed shut. The windows shall be permanently retained as such thereafter.
- 13) Flats 7, 8 and 9 (as numbered on Plan no. 8888/101C) shall not be occupied until the roof lights within the side (east and west) elevations of the building have been installed such that there is a minimum distance of 1.75m between the internal sill and the finished floor level to the rooms served. They shall be permanently retained as such thereafter.
- 14) The tree protection measures as detailed in the Arboricultural Method Statement dated 13 July 2017 Ref 13 & drawing 8888/100B and prepared by Partridge Associated Landscape Consultancy shall be implemented in full and in accordance with the approved timetable and maintained and supervised until completion of the development.
- 15) All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between 0800 hours and 1800 hours Monday - Friday, 0800 hours and 1300 hours Saturday and not at all on Sunday, Public and Bank Holidays unless otherwise agreed in writing with the local planning authority.
- 16) The management and collection of waste shall be undertaken in accordance with the provisions of the Refuse Management Plan dated 03-07-17 Waste Management Facilities subject to the revision that storage for food waste at 240 litre capacity be provided within the bin store. The Refuse Management Plan shall be carried out in accordance with the approved details, unless otherwise approved in writing by the local planning authority.

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