



Appeal Decision

Site visit made on 28 August 2024

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/V1260/W/23/3327599

9-11 Upper Norwich Road, Bournemouth BH2 5RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Shore Holdings Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2021-1680-Y.
 - The development proposed is described on the application form as, "Demolition of existing buildings and erect a block of flats with associated bin and cycle store".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the Council published the Housing Land Supply Statement: Position at 1 April 2024 (October 2024) (Housing Land Supply Statement), and in December 2024 a revised National Planning Policy Framework (the Framework) was published. The main parties were provided with an opportunity to comment, and I have taken the comments received into account. I have had regard to the Housing Land Supply Statement and the revised Framework in my decision.
3. At the appeal stage the Council confirmed that if the proposed development were found to be acceptable in all other respects, matters relating to biodiversity net gain and potential contamination issues could be dealt with by appropriately-worded planning conditions. I have no substantive evidence which indicates otherwise. The 5th and 7th reasons for refusal given in the Council's decision notice have therefore been overcome. This is reflected in the main issues, which are set out below.

Main Issues

4. The main issues are:
 - whether or not the proposed loss of commercial floorspace would be acceptable;
 - whether the proposed development would preserve or enhance the character or appearance of the West Cliff and Poole Hill conservation area;
 - the effect of the proposed development on the setting and significance of a nearby listed terrace (a Grade II listed building);

- the effect of the proposed development on the living conditions of the occupiers of nearby residential properties, with particular regard to outlook, sunlight, daylight, and privacy;
- whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to private amenity space, internal space, privacy, outlook, and daylight;
- whether the proposed development would adequately cater for cyclists, residential accessibility and refuse collection; and
- whether the proposed development and nearby properties would be at an unacceptable risk of flooding.

Reasons

Commercial floorspace

5. The appeal site comprises an area of land which previously contained 9 Upper Norwich Road (No 9), a building which was demolished following a fire, and which currently contains 11 Upper Norwich Road (No 11), a 2-storey building which has in recent years been used as office accommodation.
6. The proposed erection of a block of flats would remove the commercial floorspace historically available at No 9 and presently available at No 11. In these circumstances, Policy CS27 of the Bournemouth Local Plan: Core Strategy (adopted 2012) (Core Strategy) is applicable, which provides that, amongst other things, development resulting in the loss of sites or premises used, or last used, within Use Classes B1, B2 or B8 outside the allocated employment sites 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.
7. It is necessary to firstly assess the proposed development against the first bullet point of Policy CS27, which relates to whether the current use causes environmental problems. I have had regard to the submitted letter from Savills of 9 August 2023. The Government is currently consulting on reforms to the energy performance of buildings regime. As such, it is presently not certain that the changes outlined in that letter relating to Energy Performance Certificates (EPC) will occur. In any event, few details have been provided to demonstrate whether No 11 would likely be exempt from forthcoming EPC requirements. More importantly, Policy CS27 relates to the use causing environmental problems, not to the energy performance of the building itself. Hence, it has not been demonstrated that the requirement found at the first bullet point of Policy CS27 has been fulfilled.
8. Regarding the second bullet point of Policy CS27 (that the location of the premises is no longer suitable for employment use), the site is located within walking distance of bus stops and Bournemouth Train Station meaning that the site offers viable options for access by sustainable modes of transport for workers. No 9 previously housed an Escape Room, and in this regard the site's location is in-keeping with the numerous retail, leisure, and entertainment businesses found nearby on Poole Hill and Commercial Road.

9. Policy CS27 relates to sites used, or last used, outside the allocated employment sites, and in this context whilst the letter of 9 August 2023 is correct that the site is not in a prime office location, no specific documentary evidence has been provided to demonstrate that the site is not a location that would be considered viable for office or industrial development. On the contrary, the evidence indicates that if the fire had not occurred, both No 9 and No 11 would have continued to be in active employment use. Taking all of the above into account, the evidence therefore indicates that the location of the site continues to be suitable for employment use.
10. Policy CS27 requires that replacement uses will favour other employment generating uses prior to sites being considered for residential development. Whilst I note that office, retail, and industrial sites are not under-supplied within the area covered by the Local Planning Authority when considered as a whole, few details have been provided to demonstrate whether other employment generating uses, such as retail or leisure (for example), would be suitable for the site itself, taking account of its mixed use location which includes many residential properties.
11. Policy CS27 requires that prior to other 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. As the site was in active employment use prior to the fire and had been for a number of years, and taking account of the site's location near to sustainable modes of transport and residential properties, in all likelihood employment uses could be found for the site. No marketing information has been provided to satisfy the final paragraph of Policy CS27.
12. Although I note the explanation given regarding the terms of the lease which was granted to the previous occupier of No 11, no figures or other supporting evidence has been provided to demonstrate that the refurbishment of No 11 would be uneconomic or prohibitive for the site's continued use as an employment-generating site. The Council have stated that at least 18 direct jobs stemmed from the use of No 11, and this has not been disputed by the appellant. It follows that, based on the evidence before me, the site could conceivably provide a tangible benefit to the local economy over the long-term.
13. I therefore find that the proposed loss of commercial floorspace would not be acceptable. The proposed development would conflict with Policy CS27 of the Core Strategy, which has been summarised above.

Conservation area

14. The site is situated within the West Cliff and Poole Hill conservation area (conservation area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The West Cliff and Poole Hill Conservation Area Appraisal & Management Plan (the appraisal) mentions that its significance derives in part from a variety of high quality architectural styles and roofscapes, and memorable areas of townscape.
15. Specifically, the appraisal describes the site as being within the Poole Hill character area, with dense development behind the street frontages being a feature of this area. Similarly, the Bournemouth Town Centre Development Design Guide: Supplementary Planning Document (adopted 2015) (SPD) describes the

positive and distinctive features of the area as including a tight urban grain, a strong sense of enclosure, and buildings typically 3 or 4 storeys in height.

16. Upper Norwich Road is a narrow road which for much of its length has the appearance of a service road despite the presence of residential buildings, due to the numerous parking areas found to the rear of buildings on Poole Hill and the mostly utilitarian style of the buildings along it.
17. No 11 is assessed in the appraisal as a positive building. Positive buildings are described in the appraisal as buildings which make a significant contribution to the character or appearance of the conservation area in its present form, even if they have been altered to some degree. No 11 is a 2-storey workshop-style building with attractive brickwork. It is of some historic interest due to its date of construction (being present since at least 1902). Additionally, as noted by the Inspector in appeal decisions APP/G1250/A/08/2060806 & APP/G1250/E/08/2060809, as a contrasting feature, No 11 adds variety and interest to the street scene. The gap between No 11 and 15 Upper Norwich Road (No 15) is the only notable breathing space in the street scene, and as such is a positive feature within it.
18. I concur with the appellant that No 11 can be considered to be a non-designated heritage asset. Paragraph 216 of the Framework provides that, amongst other things, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposed development would demolish No 11, which has a historical connection with the local area arising due to its age and its role in the industrial past. This would cause a total loss of its significance as a non-designated heritage asset.
19. The proposed block of flats would present as largely 3-storeys when seen from Upper Norwich Road. The building would span across the majority of the front of the plot facing the road, leaving minimal gaps either side to Anglia Court and No 15. As the glazed element would only have a slight set-back from the front elevation of the building, this would have a limited effect in mitigating the considerable massing of the building as a whole. In this respect, it would not accord with the advice given at paragraph 6.1.1 of the SPD that in any building, whatever the scale, it is important to create depth within elevations. The glazed element would also appear contrived and jarring, due to the presence of large areas of glass which would unduly contrast with the style of the remainder of the frontage of the building.
20. In combination, the above-mentioned factors would mean that the proposed building would appear as an overly-dominant addition to the street scene, despite the presence of other 3-storey buildings nearby along Upper Norwich Road and that the proposed building would share some design cues with No 15 (which the appraisal identifies as a positive building). As such, the proposed development would effectively remove an element which provides visual variety and historic interest to the street scene (No 11) and would replace it with an overly-strident and dominant building.
21. The proposed development would not therefore adequately compensate for the loss of the value of No 11 as a non-designated heritage asset to current and future generations. Consequently, the proposed development would undermine the

presence of high quality architecture in the conservation area when considered as a whole, thereby harming its significance as a designated heritage asset.

22. As the extent of the identified harm to the character and appearance of the conservation area would be localised, the harm caused to its significance would be less than substantial. This harm must be weighed against the public benefits of the proposed development. The proposed development would provide 10 flats on site, thereby making a modest contribution to the Government's objective of significantly boosting the supply of homes. The new accommodation would make a similarly modest contribution towards housing choice and mix in the local area. Economic benefits would accrue to the local area from the spending of the future occupiers of the proposed development.
23. Given the quantum of residential units proposed in the context of the Council's lack of a forward supply of housing sites as required by the Framework, the public benefits of the proposed development in totality would be modest, but not substantial. These would result in moderate weight in favour of the proposed development. As a result, they would not outweigh the harm that would be caused to the significance of the conservation area, which is a matter to which I give considerable importance and weight, and for which in accordance with the Framework great weight has been given to its conservation.
24. I therefore find that the proposed development would not preserve or enhance the character or appearance of the conservation area. It would conflict with the 4th bullet point of the 3rd paragraph of Policy CS21 of the Core Strategy which provides that, amongst other things, proposals for residential development will be expected to maintain and enhance the quality of the street scene, and with Policy CS39 of the Core Strategy which provides that, amongst other things, the Local Planning Authority will seek to protect designated heritage assets from demolition, inappropriate alterations, extensions or other proposals that would adversely affect their significance.
25. The proposed development would conflict with Policy CS41 of the Core Strategy which provides that, amongst other things, development should through its scale, density, layout, siting, character and appearance be designed to respect the site and its surroundings, and with Policy 4.4 of the Bournemouth District Wide Local Plan (adopted 2002) (Local Plan) which provides that, amongst other things, development proposals in conservation areas should preserve or enhance the character or appearance of the area.
26. The proposed development would conflict with part i) of Policy 6.10 of the Local Plan which provides that, amongst other things, flats will be permitted in the built-up area provided the development respects or enhances the character and appearance of the area, and with the 4th bullet point of the 2nd paragraph of Policy D4 of the Town Centre Area Action Plan (adopted 2013) which provides that proposals should be of an appropriate scale, height, mass and built form.

Listed building

27. The site is located a short distance directly behind, and is viewed from Upper Norwich Road in conjunction with, a terrace denoted as a Grade II listed building¹, the significance of which derives in part from its architectural and historic interest

¹ 6-18, Poole Hill, 24-34, Poole Hill, 20a-22, Poole Hill, 18a-20, Poole Hill

as an Italianate stucco terrace constructed in approximately 1850-1860. The site is accordingly within the setting of the listed terrace. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s66(1) that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

28. The Framework makes clear that significance derives not only from a heritage asset's physical presence, but also from its setting. The setting of the listed terrace has been somewhat compromised by numerous car parking bays and several unsympathetic and anachronous extensions to the rear of the terrace. Nevertheless, although No 11 was constructed at a later period than the terrace, it constitutes a building of historic value with attractive brickwork which is situated in close proximity to the terrace, and which is clearly part-and-parcel of the street scene which contains clear views of both No 11 and the rear of the terrace. No 11 accordingly does not detract from the significance of the terrace as a designated heritage asset, but rather acts to preserve its significance.
29. As mentioned above, in addition to the loss of the heritage value of No 11, the proposed development would replace No 11 with an overly-strident and dominant building. This would compromise the contribution which the setting presently makes to the significance of the listed terrace in architectural and historic terms. The harm caused to the significance of the listed terrace would however be limited and therefore less than substantial. This harm must be weighed against the public benefits of the proposed development, which as described above, would be modest, resulting in moderate weight in its favour. I have given considerable importance and weight to the desirability of preserving the setting of the listed terrace, and in accordance with the Framework great weight has been given to its preservation. The public benefits identified would therefore not be sufficient to outweigh the harm caused to the significance of the Grade II listed building.
30. I therefore find that the proposed development would harm, and therefore fail to preserve, the setting and significance of the nearby listed terrace. It would conflict with Policy CS39 of the Core Strategy which provides that, amongst other things, the Local Planning Authority will seek to protect designated heritage assets from demolition, inappropriate alterations, extensions or other proposals that would adversely affect their significance.

Living conditions - occupiers of nearby residential properties

31. Although part of the proposed building would be set-back from No 15, the remainder would constitute a tall, wide, and largely featureless mass of built form situated in close proximity to the side windows at No 15, which serve ground and first floor flats. It would accordingly appear as a dominant and obtrusive feature from those windows, negatively impacting on the outlook from them. Therefore, whilst urban grain in the vicinity is defined by cheek-by-jowl structures, in this case the proposed development would result in harm to the living conditions of the occupiers of the affected flats at No 15.
32. The proposed building on all floors would extend some distance beyond the rear of Anglia Court, which contains numerous windows on its rear elevation. Due to its close proximity to that rear elevation, and the path of the sun, the proposed

building would be likely to unduly reduce the amount of sunlight received to those windows during the early mornings. This is in the context of the limited amount of sunlight received to those windows during the afternoon and evening, due to their north-east aspect. Due to its height, close proximity, and protrusion beyond the rear elevation of Anglia Court, it would also appreciably reduce the amount of daylight received to those windows.

33. Whilst I note the town centre location of the site which has a tight urban grain, the proposed building would be situated particularly close to Anglia Court, and due to its height, close proximity, and protrusion beyond the rear elevation of Anglia Court it would nevertheless appear as an intrusive and overbearing feature from those windows. The fact that the building immediately to the west of Anglia Court extends beyond the rear building line of Anglia Court would not alter these adverse impacts. As such, the proposed development would harm the living conditions of the occupiers of the affected flats at Anglia Court.
34. A terrace of 3 dwellings, 29 to 33 Norwich Road, lies immediately to the rear of the site. Their rear windows and private amenity areas face the site. Part of the proposed building would be set-back, thereby reducing its potential impact on 29 Norwich Road and 31 Norwich Road.
35. However, the proposed development would result in a very tall building in close proximity to the rear windows and private amenity area of 33 Norwich Road (No 33), significantly obscuring the available outlook from those windows and its private amenity area. Additionally, although some of the rear windows serving the proposed building would be obscure-glazed (which could be secured via a planning condition), the sheer number of windows in close proximity to No 33 would create an undue perception of being overlooked, and hence a perception of a loss of privacy, for the users of the rear private amenity area at No 33. The above-mentioned factors would, in combination, make the affected living spaces much less pleasant to use, resulting in harm to the living conditions of the occupiers of No 33.
36. I therefore find that the proposed development would have an unacceptable and harmful effect on the living conditions of the occupiers of the affected flats at No 15, with particular regard to outlook, and on the living conditions of the occupiers of the affected flats at Anglia Court, with particular regard to sunlight, daylight, and outlook, and on the living conditions of the occupiers of No 33, with particular regard to outlook and privacy. It would conflict with the 5th bullet point of the 3rd paragraph of Policy CS21 of the Core Strategy which provides that, amongst other things, proposals for residential development will be expected to respect residents' amenities, and with Policy CS41 of the Core Strategy which provides that, amongst other things, the Council will seek to ensure that new developments enhance the amenities of neighbouring residents.
37. The proposed development would conflict with part iv) of Policy 6.10 of the Local Plan which provides that, amongst other things, flats will be permitted in the built-up area provided the development respects the living conditions of the occupiers of buildings in the vicinity, and with the 9th bullet point of the 2nd paragraph of Policy D4 of the Town Centre Area Action Plan (adopted 2013) which provides that, amongst other things, proposals should respect the amenity of existing residential uses, including privacy, outlook, overlooking, daylight, noise, smell and other disturbances.

38. Policy CS6 of the Core Strategy has been referred to by the Council. However, as this policy relates to delivering sustainable communities, it is not directly relevant to this main issue. Nevertheless, the above-mentioned policies are more than sufficient for me to come to a view on this main issue.

Living conditions - future occupiers

39. The proposed development would provide an area of informal communal amenity space at ground-floor level. Although this area would not be sizeable in comparison with the number of residential units proposed and would not be private to each individual unit of accommodation, it would provide a useable area for sitting out and relaxation. Moreover, numerous recreational areas are available within walking distance, including the Central Gardens, and the beach and its promenade. On balance, therefore, amount of amenity space provided on site would be acceptable.
40. The Council have asserted that the majority of the proposed residential units would fail to meet the requirements of the Technical housing standards – nationally described space standard (March 2015 (amended 19 May 2016)) (Technical housing standards) with respect to floorspace, and that unit 10 would not meet the requirements with respect to its floor-to-ceiling height. This has not been disputed by the appellant. It is important to note that the figures given in the Technical housing standards are expressed as the minimum requirements. In this regard, although the relevant residential units would likely accommodate the necessary furniture for day-to-day living, the units would offer a cramped living environment for the future occupiers of the proposed development.
41. Unit 1 would have little defensible space around the windows serving its living room and kitchen. Despite the lack of a footway immediately outside the proposed building, people walking to / from the entrance to Anglia Court past the proposed building and / or using the car parking area outside Anglia Court would still have direct views into those habitable rooms. In that event, the users of those rooms would suffer from a pronounced loss of privacy, even taking account of the tight-knit nature of the locality.
42. The rearmost part of the proposed building would extend much closer to No 33 than the existing rear elevation of Anglia Court. The users of bedroom 1 in unit 3 would suffer from a perception of a loss of privacy, due to the closeness of the sole window in that bedroom to the rear windows of No 33.
43. The windows serving bedroom 2 in units 2, 5, and 8 would provide the sole source of natural light and outlook into those rooms. Those windows would face the side wall of Anglia Court. At such close proximity to that wall, those bedrooms would suffer from considerably constrained outlook and a lack of daylight, making those bedrooms unpleasant spaces to occupy.
44. I have had regard to appeal decision Ref APP/V1260/W/20/3244385. The Inspector's assessment that the development would provide adequate living conditions for future occupiers was based on the particular circumstances in that appeal, including that most of the units would not fall far short of the requirements of the Technical housing standards. Moreover, as no plans have been provided to illustrate that development, the extent to which it is comparable with the proposed development is unclear, including with respect to matters of outlook and daylight which depends in part upon the siting and scale of built form around the

development. The obscure-glazing to windows as shown on the plans for the proposed development (which could be secured by a planning condition) is not proposed on the plans for the affected windows mentioned above. None of these matters therefore changes my findings on this main issue.

45. I therefore find that the proposed development would not provide satisfactory living conditions for future occupiers, with particular regard to internal space, privacy, outlook, and daylight. It would conflict with Policy CS41 of the Core Strategy which provides that, amongst other things, the Council will seek to ensure that new developments enhance the amenities of future occupants, and with the 9th bullet point of the 2nd paragraph of Policy D4 of the Town Centre Area Action Plan (adopted 2013) which provides that, amongst other things, proposals should respect the amenity of proposed residential uses, including privacy, outlook, overlooking, daylight, noise, smell and other disturbances.

Accessibility and refuse collection

46. The proposed bike store would be at the rear of the proposed building rather than near the main entrance, which the Council have highlighted is contrary to the guidance given in the Parking Standards: Supplementary Planning Document (adopted 2021). It would however be easily accessible via the internal stairwell, and the incline of the accessway from Norwich Road is not so steep that it would deter cyclists from using it. If the proposed development were acceptable in all other respects, a planning condition could be imposed requiring a management company to ensure that the accessway is gritted during the winter months. The bike store would therefore be adequately accessible for the future occupiers of the proposed development.
47. The front entrance to the proposed building would be set-back from Upper Norwich Road, but only by a limited extent. As the part of Upper Norwich Road in the vicinity of the site does not have a footway, the future occupiers of the proposed development would be required to step out of the building with a minimal separation distance between the front entrance and the carriageway. This would be a particularly hazardous arrangement, particularly for children and people with poor eyesight. The lack of a footway in front of the proposed building could also result in residents who are attempting to access the building having to wait in the road, should the entrance be blocked by other persons. As such, the proposed development would cause unacceptable impacts on highway safety, contrary to paragraph 116 of the Framework.
48. Apart from unit 1 on the lower ground floor, all of the other flats would not benefit from level access to the bin store on the lower ground floor. The proposed building would not incorporate a lift, meaning that (apart from with respect to unit 1) access to the bin store by future occupiers using a wheelchair would only be possible via the accessway to the site stemming from Norwich Road. In this regard, the Council have stated that a 1:12 ratio fall rampway would be impossible to achieve or access safely for users of a wheelchair or mobility scooter, and this has not been disputed by the appellant. Hence, access to the bin store and unit 1 itself would likely be either impossible or significantly impeded for people with certain physical disabilities, including wheelchair users.
49. Disability is a legally protected characteristic for the purposes of the Public Sector Equality Duty (PSED), as set out in s149 of the Equality Act 2010 (as amended)

(Equality Act), the aims of which I am required by law to have due regard to. As the proposed development would not ensure suitable access to the bin store and unit 1 for certain disabled people, it would not minimise disadvantages arising from their protected characteristic, nor would it meet their needs that are different from the needs of those who do not share this protected characteristic. The proposed development would therefore not serve to advance equality of opportunity between disabled and non-disabled people in the terms of s149(1)(b) of the Equality Act.

50. The appellant has stated that the servicing of bins would likely take place on Norwich Road, as is normally the case for the dwellings on Norwich Road. However, due to the steep slope of the accessway onto Norwich Road and the distance of the bin store from the footway on Norwich Road, this would not be a practical arrangement. Moreover, the placement of a large number of waste bins relating to up to 10 residential units on the footway of Norwich Road would in all likelihood cause obstructions to users of the footway.
51. Although a planning condition could be imposed to require a private contractor to collect the refuse, few details have been provided to demonstrate that this would be a practical solution, bearing in mind that the access to the site from Norwich Road also serves Anglia Court and its parking area which is directly adjacent to the site. It has not therefore been shown that the requirements of such a planning condition would provide a satisfactory solution in this case.
52. In relation to pedestrian accessibility, the proposed development would conflict with Policy CS18 of the Core Strategy which seeks to ensure that proposed developments will help achieve the Core Strategy's strategic objective of facilitating and increasing levels of walking, and with paragraph 116 of the Framework which provides that, amongst other things, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, and with paragraph 115 b) of the Framework which provides that, amongst other things, in assessing specific applications for development it should be ensured that safe and suitable access to the site can be achieved for all users.

Flood risk

53. During the course of the planning application, the Lead Local Flood Authority (LLFA) reviewed the submitted drainage details and concluded that 2 items of information were missing, relating to clarification of the proposed impermeable area of the proposed development (and the Drainage Statement or calculations / drawings being required to be updated accordingly), and evidence of agreement in principle provided by Wessex Water for the proposed runoff discharge rate of 1L/s into the sewer in Norwich Road.
54. At the appeal stage the appellant submitted copies of e-mails giving the correct figure for the impermeable area (with an updated drawing), and containing the relevant confirmation from Wessex Water. As it appears that the final concerns of the LLFA have been overcome, I consider that, if the proposed development were found to be acceptable in all other respects, a planning condition could be imposed requiring the proposed development to be undertaken in accordance with the submitted drainage strategy.
55. I therefore find that the proposed development and nearby properties would not be at an unacceptable risk of flooding. No conflict would arise with Policy CS4 of the

Core Strategy which provides that, amongst other things, the design and layout of all new buildings, and the development of car parking and hard standing, will incorporate appropriate Sustainable Drainage Systems capable of ensuring that the level of surface water leaving the site is no greater than that prior to the development, and ensuring the quality of local water.

Other Matters

56. The finding on the 7th main issue above, in relation to flood risk, is a neutral matter, which does not weigh in favour of the proposed development.
57. The Council's decision notice makes reference to the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. As, following my conclusion below, the appeal is being dismissed for other reasons, there is no need to consider the potential implications of the proposed development in these respects, nor is it necessary to consider the submitted planning obligation and associated mitigation payments in any further detail. I therefore make no further comments on these matters.

Other Considerations and Planning Balance

58. The proposed development would provide 10 new residential units in a town centre location, which Policy CS7 of the Core Strategy emphasises is an appropriate location for high density residential accommodation. The units would be created on previously developed land, and would be located adjacent to other residential accommodation and within walking distance of a great variety of services and facilities. The proposed development would also contribute towards housing choice and mix in the local area.
59. This is in the context of the Council currently being unable to demonstrate the supply of housing sites as required by the Framework. The Housing Land Supply Statement provides a supply figure of 1.6 years against a 4 year requirement, which is clearly a substantial shortfall. Moreover, and the latest Housing Delivery Test results place Bournemouth in the 'presumption' category, with a measurement of 22%. The proposed development would provide a modest contribution towards rectifying this concerning situation in Bournemouth.
60. The proposed development would result in economic benefits via the provision of work for construction professionals, and from the future occupiers of the proposed residential units spending in the locality.
61. As suggested by the appellant, a planning condition could be imposed requiring biodiversity mitigation and enhancement measures, including the provision of swift bricks and bat bricks. However, neither the submitted Preliminary Ecological Appraisal or other information suggests that the proposed development would result in a biodiversity net gain of any significance.
62. A planning condition could be imposed requiring compliance with Policy CS2 of the Core Strategy which provides that, amongst other things, when considering proposals for residential development the Local Planning Authority will require that at least 10% of the energy to be used in developments of more than 10 dwellings will come from decentralised and renewable or low carbon sources.
63. In summary, the proposed development's key contribution to the local area would be through the provision of 10 residential units, but it has not been demonstrated

that its economic and environmental benefits would be significant overall. Moderate weight has therefore been given to the collective benefits of the proposed development.

64. As mentioned above, the Council is currently unable to demonstrate the supply of housing sites as required by the Framework. Even though in these circumstances paragraph 11 d) of the Framework is triggered, it does not automatically follow that the policies which are most important for determining the appeal are out-of-date in substance. The policies referred to under each main issue, including Policy CS27 of the Core Strategy, are not inconsistent with the relevant policies in the Framework. It follows that the weight attached to the proposed development's conflict with those development plan policies is not reduced.
65. The proposed development would result in a range of adverse impacts, including an unacceptable loss of commercial floorspace, harm to the significance of 2 designated heritage assets, harm to the living conditions of the occupiers of nearby residential properties, and it would not would provide satisfactory living conditions for future occupiers. Nor would the proposed development adequately cater for residential accessibility and refuse collection. The proposed development would also not serve to advance equality of opportunity between disabled and non-disabled people. Collectively, these adverse impacts result in very substantial weight in opposition to the proposed development.
66. The combined benefits of the proposed development would accordingly not be sufficient to outweigh the proposed development's conflict with the relevant policies of the development plan. The proposed development would conflict with the development plan when considered as a whole.
67. The proposed development would develop land which is currently (despite its employment-generating potential) under-utilised, which is supported by paragraph 125 d) of the Framework, in circumstances where housing land supply is constrained. However, considering my findings on the main issues above, it would not comply with paragraph 129 e) of the Framework which provides that, amongst other things, planning decisions should support development that makes efficient use of land, taking into account the importance of securing well-designed and attractive places. Also, planning law requires that each individual incidence of harm to a designated heritage asset must be given considerable importance and weight, and as the harm to the significance of both the conservation area and the listed terrace would in combination be substantial, paragraph 125 c) of the Framework does not provide support for the proposed development.
68. Paragraph 11 d) i. of the Framework provides that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. As explained above, the public benefits of the proposed development would not be sufficient to outweigh the harms identified to both the conservation area and the listed terrace. Planning law requires that each individual incidence of harm to a designated heritage asset must be given considerable importance and weight, and as the combined harm to the significance of the conservation area and the listed terrace would be substantial, this provides a strong reason for refusing the proposed development. The proposed development would not benefit from the presumption in favour of sustainable development, found at paragraph 11 of the Framework.

69. Taking all of the above into account, none of the other considerations material to the proposed development indicate that this appeal decision should be taken otherwise than in accordance with the development plan.

Conclusion

70. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR