

Appeal Decisions

Site visit made on 22 November 2016

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 December 2016

Appeal A Ref: APP/G1250/W/16/3145114
154-156 Seabourne Road, Bournemouth, BH5 2JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Mark Sheppard against the decision of Bournemouth Borough Council.
 - The application Ref 7-2015-3080-C, dated 6 October 2015, was refused by notice dated 27 January 2016.
 - The development proposed is three, 1 bedroom flats with cycle store, a reduction in size to the commercial unit to allow for the staircase to the flats.
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Appeal B Ref: APP/G1250/W/16/3150834
154-156 Seabourne Road, Bournemouth, BH5 2JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Mark Sheppard against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-3080-D, dated 22 February 2016, was refused by notice dated 3 May 2016.
 - The development proposed is two, 1 bedroom flats with cycle & bin store, a reduction in size to the commercial unit to allow for the staircase to the flats.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matters

2. The site address given on the application forms refer only to 154 Seabourne Road. However, it is clear from the evidence before me that the appeal site includes 156 Seabourne Road. This is therefore reflected in the banner headings above.
3. As set out above there are two appeals. The main difference between the two is the number of residential flats proposed; three flats in the case of Appeal A and two flats in the case of Appeal B. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. The main issues are, in respect of Appeal A and Appeal B:
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- The effect of the lack of parking provision for the proposed development on highway safety and the convenience of other highway users in the vicinity of the appeal site, and;
- Whether the layout and design of the cycle storage for the proposed development would encourage cycling.

In respect of Appeal A only:

- Whether the bin storage would be adequate for the future needs of occupiers of the building.

And finally, in respect of both Appeal A and Appeal B:

- The effect of the proposal on The Dorset Heathlands.
5. A further reason for refusal relating to affordable housing is no longer being pursued by the Council following recent changes to national planning policy as to the specific circumstances where contributions for affordable housing should not be sought from small scale development.

Reasons

Highway Safety

6. The appeal site comprises a single storey flat roofed building containing two retail units. It fronts onto Seabourne Road and falls within the District Shopping Centre of Southbourne. The proposal is to add a first floor to the building containing residential accommodation.
7. Seabourne Road is a busy thoroughfare. On-street parking along the section of Seabourne Road where the appeal site is located is heavily restricted with only a short-term 30 minute parking bay opposite the appeal site. This bay was in high demand at the time of my site visit around lunchtime on a weekday. Unrestricted parking is available in adjacent residential streets but this was also very limited at this time.
8. Whilst my visit provided only a snapshot of conditions the Council carried out a Parking Survey which calculated existing parking stress (the number of parked vehicles as a percentage of the number of standard available parking spaces) in unrestricted parking areas within 100m of the appeal site. In my opinion 100m is a reasonable distance a person would regularly want to walk from their parked car to their home. In this area parking stress was found to be high ranging from 86% to 96% and I note a resident in the adjacent flat over 158-160 Seabourne Road refers to the 'nightmare of parking'.
9. The appellant also carried out a parking survey. This found parking spaces in nearby roads at various times but does not specify exactly where these were. The evidence suggests areas beyond the Council's recommended 100m walking distance were included such as Stedman Road. On balance, therefore, the evidence before me indicates there is a shortage of on-street parking in the immediate vicinity of the appeal site.
10. Policy CS16 of the Bournemouth Local Plan Core Strategy (CS) (October 2012) seeks to ensure adequate parking is provided for new residential development. To this end parking standards are set out in the Council's Parking Supplementary Planning Document (adopted July 2014) (SPD). In Zone 2,

which includes Southbourne, the benchmark standard for a flat with two habitable rooms is 0.8 communal parking spaces. I acknowledge that the appeal site is in an area which has access to local shops, and bus and train services. Nevertheless, the SPD notes that Zone 2 areas have lower accessibility levels than the larger town centres and therefore higher car ownership, and the parking standards are adjusted accordingly to account for this. This approach to setting parking standards is in line with paragraph 39 of the National Planning Policy Framework.

11. Neither of the appeals provide parking for the proposed flats. Based on the above standards Appeal A would result in a shortfall of three spaces and Appeal B a shortfall of two spaces (rounded up). The Council calculate the displaced parking from both appeals would increase parking stress within 100m of the site to over 100%. Both proposals would therefore significantly reduce what little spare capacity there is for on-street parking in the immediate vicinity to the appeal site. Pressure for on-street parking can lead to illegal parking, which already occurs in the area as evidenced by the Council and comments from the occupier of the neighbouring property. This causes obstruction and reduces visibility for highway users, all of which has a negative impact on highway safety. It is also detrimental to the general convenience of local residents.
12. Whilst there is a public car park close to the appeal site there is a cost associated with this. I also have sympathy with the neighbour's comments that this car park is isolated which raises security concerns. As such it would not be an appropriate long-term parking solution for future occupiers of the development. The appellant suggests making a contribution towards car club membership or supplying parking permits for the car park to future residents. On the limited evidence before me I do not consider such measures would overcome the harm I have found and, in any event, there is nothing before me to secure these.
13. Taking all of the above points together I consider that the failure to provide parking in line with Policy CS16 of the CS and the SPD would be detrimental to highway safety and the convenience of highway users in the vicinity of the appeal site. In coming to the above conclusion on the first main issue I understand that the site is heavily constrained and that by retaining two retail units at ground floor there is no possibility of providing on-site parking but this does not justify the proposal given the harm I have found.

Cycle Storage

14. The SPD requires 1.1 cycle space per residential unit to encourage cycling as an alternative to the car and provides advice on the layout and design of such areas. Both appeals make provision for cycle storage. However, the Council raise concerns in respect of its layout and design. The width of the access door in Appeal A and an internal access door in Appeal B are too narrow at 800mm. The SPD sets out that 1100mm is the minimum width needed to comfortably accommodate a mountain bike's handlebars. The four cycle stands proposed in Appeal A are also positioned too close together as, as per the SPD, Sheffield type stands should be spaced at least 1m apart. In Appeal B two doors would need to be negotiated in order to access the cycle stands which is discouraged by the SPD. The Council argue that these design and layout concerns, would make the cycle parking area difficult to use and therefore less attractive to

cyclists. Finally concern is also raised with respect to the type of stands shown in terms of security.

15. From the plans before me the layout and design of the cycle parking does not meet the Council's requirements as set out in the SPD. In my opinion, cycle parking must be convenient, easy to use and secure to persuade people to use it regularly. Consequently I find that the layout and design of cycle storage would not encourage cycling and would be contrary to Policies CS16 and CS18 of the CS and the SPD which aim to improve cycling opportunities through, amongst other things, the provision of adequate cycle storage in accordance with the Council's adopted standards.

Bin Storage

16. In respect of Appeal A the plans before me show provision for an enclosed refuse store to hold 2 x 240 litre and 1 x 770 litre capacity bins. Based on the figures provided by the Council the minimum refuse and recycling capacity required for the flats would be met. However, this does not include provision for the existing retail units at the appeal site. I have not been provided with the minimum refuse and recycling capacity required for these, therefore I cannot be sure the proposal makes sufficient provision for this, or whether using larger capacity bins would overcome this.
17. Lack of sufficient bin storage would lead to rubbish being stored in the cycle store or directly on the street due to the constrained nature of the site. This would be to the detriment of the convenience and safety of both future residents and pedestrians generally, as well as the visual amenity of the surrounding area. On the evidence before me, therefore, Appeal A does not provide adequate bin storage and as such is contrary to Policy CS41 which requires well designed developments which provide a high standard of amenity and contribute positively to the appearance and safety of the public realm.

The Dorset Heathlands

18. The appeal site lies within 400m and 5km of the Dorset Heathlands Special Protection Area, Ramsar Site and Dorset Heaths Special Area of Conservation. The proposed residential development, in combination with other residential development in this area, is considered to have a significant adverse effect on the integrity of such sites. Policy CS33 of the CS states that development will only be permitted where it will have no adverse effect on the heathlands. The Dorset Heathlands Planning Framework sets out the Council's approach to the mitigation of such harmful effects. This requires that all new residential development between 400m-5km of the protected heathlands will be subject to a financial contribution towards heathland mitigation measures.
19. The appellant has indicated a willingness to enter into a legal agreement to secure the required financial contribution but there is nothing before me to secure this. However, as I am dismissing for other reasons, I am not pursuing this matter further as it could not lead me to a different decision.

Conclusion

20. In light of existing parking conditions immediately around the appeal site the lack of parking provision in both appeals would be detrimental to highway safety and the convenience of other highway users. Furthermore the proposed cycle storage in both appeals has not been designed to encourage cycling as an

alternative mode of transport to the car. In respect of Appeal A it has also not been demonstrated that there is sufficient bin storage for the three flats proposed and the existing retail uses at ground floor. Finally, both appeals fail to secure adequate mitigation from the effects of the development, in combination with other development, on the integrity of the Dorset Heathlands. There is no dispute that the design of the proposed first floor would be in-keeping with the largely two storey scale of surrounding buildings and I acknowledge that the proposal would provide new energy efficient, small, starter dwellings. Nevertheless, these matters do outweigh my findings above. Appeal A and Appeal B are therefore both dismissed.

Hayley Butcher

INSPECTOR