
Appeal Decision

Site visit made on 22 November 2016

by Martin Whitehead LLB BSc(Hons) CEng MICE

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

Decision date: 28 December 2016

Appeal Ref: APP/G1250/W/16/3154345

Gainsborough Court, Cromwell Road, Bournemouth, Dorset BH5 2JW

- 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 Oslo Estates Limited against the decision of Bournemouth Borough Council.
 - The application Ref 7-2015-8664-E, dated 18 March 2015, was refused by notice dated 16 February 2016.
 - The development proposed is extensions and alterations to 2 existing blocks of flats to provide an additional 10 flats with associated car parking, refuse and cycle stores, and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In light of a recent Court decision, the threshold of 10 units or less and gross floor area not exceeding 1000 sqm for new development not to attract a contribution to affordable housing, set in the Written Ministerial Statement of 28 November 2014, is national planning policy. The Council has consequently accepted that, due to this change in policy since the determination of the appeal application, the contribution identified towards affordable housing would not be justified and therefore it has withdrawn its reason for refusal in this regard.
3. Following the refusal of planning permission the appellant has provided a detailed report on the drainage capacity of the site which demonstrates that the surface water generated from the development would be able to be adequately managed by soakaways to ensure that the proposal would accord with the requirements of Policy CS4 of the Bournemouth Local Plan: Core Strategy (Core Strategy) and would not give rise to localised flooding to surrounding development. The Council has accepted that this addresses its reason for refusal on these matters.

Main Issues

4. Having taken account of the Council's withdrawal of its reasons for refusal regarding affordable housing and drainage that I accept have been overcome, the main issues are the effect of the proposal on highway safety and the living conditions of local residents, with particular regard to parking; its effect on the use of sustainable means of transport, with particular regard to cycling; its effect on the character and appearance of the surrounding area, with particular
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regard to the protection of an adjacent tree; and its effect on nature conservation interests associated with the Dorset Heathlands Special Protection Area (SPA), Ramsar Site and Dorset Heaths Special Area of Conservation (SAC).

Reasons

Highway Safety and Living Conditions

5. The appeal site is within the Boscombe District Centre and has good public transport facilities as it is less than 200m from the bus stops on Seabourne Road. The appeal buildings contain 10 flats within two buildings, referred to as Block A, to the south east of the site, and Block B to the north of the site. At my site visit I observed that there are 6 parking bays that have been marked out and that there is additional space for other parking, but this is informal and could include the use of the grassed area to the side of Block B, which the Council has claimed is also used for manoeuvring into and out of some of the parking spaces.
6. I accept the Local Highway Authority's (LHA's) view that the surrounding roads have little spare capacity for any displaced parking from future residential development. The LHA has also suggested that restrictions to on-street parking on Cromwell Road and at the junction of Cromwell Road and Wyncombe Road are proposed to be implemented soon, which would reduce the availability of on-street parking in the area.
7. The appeal proposal would extend Block B to provide 7 additional flats and the roof at Block A to provide 3 additional flats. It would provide an additional 10 parking spaces to the west of the site, accessed directly from the access road. The Council and LHA have not objected to the layout or use of these spaces. These would address the additional parking demand that the LHA has calculating as a result of the proposed additional flats. The LHA has objected on the grounds that a satisfactory on-site parking and turning layout has not been demonstrated due to the construction of the extension to Block B resulting in the existing parking and turning spaces becoming too cramped to be used.
8. The Highway Officer has checked the car parking layout shown on Drawing No 743/16e, which I have used for the determination of this appeal. The aisle width for manoeuvring into and out of the parking spaces adjacent to Block A would be significantly less than the 6m stated in the Council's Bournemouth Parking Supplementary Planning Document (SPD) as adopted by the Council in July 2014. The LHA has demonstrated by the use of a swept path analysis that this layout would result in inadequate manoeuvring space to allow vehicles to conveniently use the spaces. This would make it unlikely that all the spaces would be used and also the increased likelihood that vehicles would need to reverse would have the potential to be a safety risk to pedestrians accessing the flats.
9. Core Strategy Policy CS16 requires parking provision for new development to be in accordance with the Council's adopted parking standards. The latest standards are those given in the Parking SPD and to which I give significant weight. This SPD adopts a zonal approach in its assessment of local parking standards which is intended to take account of the advice in paragraph 39 of the National Planning Policy Framework (Framework), including the accessibility

of the development and local car ownership levels. It has not been disputed that the Parking SPD requires 10 parking spaces for the 10 additional flats. The SPD requires robust justification to be provided for any reduction in parking demand from those given in the SPD.

10. The appellant has provided a parking assessment, that found that at no time were more than 7 cars ever present on the site, and on every occasion there was on-street parking capacity at the frontage of the appeal site. The Council has indicated that the assessment does not demonstrate whether there is sufficient and adequate on-street parking capacity to accommodate any displaced parking as a result of the proposed development. Furthermore, although the appellant has shown that there is currently demand for no more than 7 on-site spaces for the existing flats, there is nothing to prevent this demand from increasing over time to the level specified by the Parking SPD, which could at present be accommodated on the site within the space available.
11. The appellant's Transport Statement provided with the appeal has given details of an alternative layout for the existing parking on the site to provide 7 spaces. However, the Council has not accepted this alternative layout and I understand that it would not meet the Council's standard for size of space. Furthermore, this would be less than that required by the Parking SPD. Although the proposed new parking spaces would be sufficient to meet the required number of additional parking spaces in the Parking SPD as a result of the 10 flats, the proposed extension would make it very difficult and unattractive to access some of the existing spaces and would prevent the development from meeting the parking standards in the SPD for the existing flats.
12. The failure of the proposal to provide the required number of parking spaces on the site for the whole of the resulting development would be likely to lead to additional demand for on-street parking. The cumulative effect of additional demand from new developments would increase the risk of harm to highway safety, even though no accidents have been reported in the area, and harm to the living conditions of local residents, both as a result of driver stress due to the limited availability of on-street parking in the area. The sustainability of the location has been allowed for in the Parking SPD's parking requirements. In addition, the parking proposals would lead to a greater likelihood that vehicles would have to carry out difficult manoeuvres, including increased reversing where there are pedestrian accesses to the buildings, which would exacerbate the safety risks, particularly to pedestrians.
13. I conclude on this main issue that the proposed development would conflict with Core Strategy Policy CS16 as supported by the SPD. Insufficient evidence has been provided to demonstrate that other material considerations, including the accessibility of the appeal site, the availability of on-street parking spaces observed on behalf of the appellant and alternative on-site parking layouts, outweigh this conflict. Therefore, I find that the proposal would result in an increased risk of harm to highway safety and the living conditions of local residents. It would also fail to accord with Core Strategy Policy CS41, as it would not represent good design due to the substandard parking layout.

Sustainable Means of Transport

14. The LHA has suggested that the proposed bicycle store building would not be large enough to easily access the 10 bicycles and that the location shown on

the plan would not provide sufficient available space to construct a bicycle store that would comply with the requirements of the Parking SPD. This inadequate store would not encourage the use of cycling. Although the appellant has indicated that this could be addressed by a planning condition, I have not been provided with an alternative bicycle store design and location that would satisfy the SPD.

15. Taking the above into account, I conclude on this main issue that the proposal would have an adverse effect on the use of sustainable means of transport and would not accord with Core Strategy Policy CS18, as it would not provide adequate cycle storage in accordance with the Council's adopted standards.

Character and Appearance

16. The appeal site is located within a predominantly residential area, consisting of a variety of different types and scales of buildings at a relatively high density. The two buildings on the site are substantial but are surrounded by open grounds with a number of prominent trees on the boundaries. A Tree Protection Plan and Arboricultural Method Statement has been produced by KJF Consultancy Ltd on behalf of the appellant which classifies the trees within the site as either Category U or Category C. On adjacent land near to the eastern boundary, there is a young Cypress tree, indicated as being Category C, which is near to the proposed location of the bicycle store building. The Statement suggests measures to protect the trees to be retained.
17. I am satisfied that the proposed development would leave sufficient space surrounding the buildings to allow landscaping that would help to screen the additional hardstanding and built development on the site. The Council has expressed concerns about the effect of the proposed bicycle store building on the neighbouring Cypress tree, which I would suggest is a Category C due mainly to its age. I accept that this tree contributes to the limited planting in the area, as it is seen as a backdrop to the dwellings fronting Southbourne Road, and it would become more prominent in the street scene when it reaches maturity. Whilst the protection of the tree could be secured by an appropriate planning condition, I have not been provided with an acceptable location and design for the bicycle store building to ensure that the tree would be able to be retained.
18. Taking account of the above, I find on this main issue that there is insufficient evidence to show that the proposal would not have an unacceptable harmful effect on an adjacent tree. As such, I conclude that it would result in harm to the character and appearance of the surrounding area.

Nature Conservation Interests

19. The appellant has not contested that the appeal site would be within 5km but beyond 400m of the Dorset Heathlands, which are designated under the European Union's Birds and Habitats Directives as SPAs and SACs respectively, and the Ramsar Convention for the Protection of Internationally Important Wetlands. Core Strategy Policy CS33 requires all development that would have an adverse effect on the integrity of these internationally designated sites to make an appropriate contribution towards measures to mitigate those effects. The contribution should be made in accordance with the provisions of the Dorset Heathlands Planning Framework 2015-2020 SPD, 2016 for Strategic Access Monitoring and Management (SAMM).

20. The appellant has provided a signed S106 Unilateral Undertaking (UU), dated 16 November 2016, to secure a payment towards '*measures which avoid or mitigate against any adverse effect on the Dorset Heathlands SAMM Contribution in accordance with the Dorset Heathlands Planning Framework 2015-2020 SPD*'. I am satisfied that a planning obligation to secure such a contribution meets the tests in Community Infrastructure Levy Regulations Regulation 122, as it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development.
21. I have taken the planning obligation into account with regard to my determination of this appeal. Therefore, I conclude on this main issue that the proposal would not have an adverse effect on the nature conservation interests associated with the Dorset Heathlands SPA, Ramsar Site and Dorset Heaths SAC. As such, it would accord with Core Strategy Policies CS32, CS33 and CS34 in this respect.

Other Matters

22. The appellant has referred to a previous planning permission on the appeal site, granted in 2006, for a similar development to that proposed under this appeal but with less on-site parking. Although I have limited information regarding the reasons for granting this previous permission, it was determined before the adoption of the Core Strategy and the Parking SPD. As such, it would have been determined under different development plan policies. In the case of the current appeal, I have found that it would fail to accord with Core Strategy Policy CS16 due to the parking provision not being in accordance with the Council's adopted parking standards.

Overall Conclusions

23. Although I have found that the S106 UU would ensure that the proposal would not have an adverse effect on the nature conservation interests associated with the Dorset Heathlands SPA, Ramsar Site and Dorset Heaths SAC, it would conflict with development plan policies and would fail to accord with the development plan as a whole. It would also increase the risk of harm to highway safety and the living conditions of local residents in the area, have an adverse effect on the use of sustainable means of transport and harm the character and appearance of the surrounding area. The above harm and Policy conflict is not outweighed by the benefits from the provision of 10 additional dwellings in a sustainable location. As such, the proposal would not represent sustainable development in accordance with the Framework. Therefore, having regard to all relevant matters raised, I conclude that the appeal should be dismissed.

M J Whitehead

INSPECTOR