
Appeal Decision

Site visit made on 21 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/16/3154908

46 Southcote Road, Bournemouth, Dorset BH1 3SR

- 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 AWM Consultants Dorset Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-26042-A, dated 19 February 2016, was refused by notice dated 24 May 2016.
 - The development proposed is conversion and extension of existing HMO to form 7 self-contained flats.
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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appeal application, the contribution identified towards affordable housing would not be justified and therefore it has withdrawn its reason for refusal in this regard. I have therefore not pursued this matter in my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposal on highway safety in the area, with particular regard to on-site parking provision; 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

4. The appeal site includes a large semi-detached building that has been extended and has a current licence as a House in Multiple Occupation (HMO) for 7 households over 4 floors, including a basement. At my site visit I observed that it has a hard standing area at the front that is capable of providing parking for 2 cars. It fronts Southcote Road and the Council has stated that it is
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located within the designated District Centre of Springbourne, close to its boundary with the Town Centre Area Action Plan area and has reasonable public transport facilities as it is less than 600m from the public transport interchange at Bournemouth Station. The Council has indicated that the bus service along Southcote Road is infrequent and a consultation is open regarding the complete withdrawal of the service. It has not rated the area as being highly accessible by public transport.

5. The proposed development would result in 7 one bedroom flats with no change to the existing off-street car parking space provision. The Council has suggested that this would result in an additional demand for on-street parking. With regard to a similar application submitted in 2015, the Local Highway Authority's (LHA's) survey report concluded that the current parking stress in the area was already at a high level of 85% and, with the additional parking demand, it would increase to 112%.
6. I have been provided with details of the parking assessment and survey carried out by Planning & Land Partnership for the appellant, which I understand was in relation to the previous application. The report gives the findings from visits conducted over a five day period at varying times between 0750 hours on Monday 7 September 2015 to 1615 hours on Sunday 13 September 2015. The findings of this report are contrary to the survey carried out by the LHA and I have not been provided with any recognised parking survey of the area that has been carried out by the appellant since these previous surveys to show the current situation.
7. Policy CS16 of the Bournemouth Local Plan: Core Strategy (Core Strategy) 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 Bournemouth Parking Supplementary Planning Document (SPD) as adopted by the Council in July 2014 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. For a development within Springbourne Parking Zone 2, the LHA has calculated based on the SPD the existing demand for the current use of the site as 3 spaces, and the demand for the proposed development as 6 spaces, if unallocated. The SPD requires robust justification to be provided for any reduction in parking demand from those given in the SPD.
8. Whilst the appellant has suggested that it could have agreements to use parking at nearby commercial premises, no such agreements have been provided and there is no guarantee that such an arrangement would be able to continue for the lifetime of the development. Furthermore, I cannot give any significant weight to informal arrangements for parking at these nearby premises that the appellant has referred to as currently take place, as the parking could quite easily be lawfully prevented.
9. The appellant has referred to plans having been made to extend the lawful HMO use, which would be a fall-back position should the appeal not succeed. However, I have been given insufficient details of these plans or the likelihood of them being implemented to make any comparisons with this appeal proposal with regard to the likely parking demand.

10. The appellant has indicated that it has offered to contribute towards a car share scheme but no mechanism has been put forward that has been agreed with the Council to implement such a scheme. As such, I have not given this matter any significant weight.
11. The appellant has referred to observations made by the Planning & Land Partnership when completing its parking assessment and survey. These suggest that in the evenings, once the workers and travellers have left, spaces are available in the area. However, the LHA has responded by stating that all the areas of unrestricted on-street parking and the street parking places on the nearby residential streets have been regularly observed by the Council's Highways Officers to be close to or at capacity for most of the time, day or night. As such, there is little spare capacity for on-street parking in the area and the LHA has supported this by photographic evidence.
12. There are waiting and loading restrictions along both sides of Southcote Road, with double yellow lines on both sides of the road near to the site. The likely additional demand for parking as a result of the proposed development could well result in future residents having to search for available spaces in the surrounding residential streets and possibly displacing other parking from these streets. Therefore, the proposal would exacerbate the existing parking stress in the surrounding streets, possibly adding to the number of obstructions to traffic, which could well result in harm to highway safety.
13. I conclude on this main issue that the proposed development would be in 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, informal parking agreements or observations of the available on-street parking spaces, outweigh this conflict. I have also found that the proposal would result in an increased risk of harm to highway safety. In addition, it would fail to accord with Core Strategy Policies CS21 and CS41, as it would not represent good design due to the shortfall in parking.

Nature Conservation Interests

14. 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. Although the appellant has indicated that it would secure the contribution by way of a Section 106 Unilateral Undertaking, nothing has been provided within the timescales for the determination of this appeal.
15. The proposed resulting net increase in residential development, in combination with other dwellings proposed near to the sites would be likely to have a significant effect on the heathland interest features of the sites in the context of Regulation 48. Whilst on its own the development would probably not have a significant adverse effect on the integrity of the European sites, in combination with other new dwellings near to the sites, without appropriate

mitigation, it would be likely to contribute towards a deterioration of the quality of lowland heathland and its interest features. This would be due to the resulting increase in the potential for pet ownership and visits by future occupants to the heathland areas, particularly those within 5km of the development.

16. In the absence of a Section 106 planning obligation to secure a contribution in accordance with the Dorset Heathlands Planning Framework SPD, the proposal would have an adverse impact on the nature conservation interests associated with the Dorset Heathlands SPA, Ramsar Site and Dorset Heaths SAC. As such, it would fail to accord with Core Strategy Policy CS33.

Other Matters

17. The appellant has referred to support for the proposal from the Ward Councillors. However, this is insufficient to outweigh the conflict with development plan policy.

Overall Conclusions

18. I have found that the proposal would increase the risk of harm to highway safety in the area and 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 not represent sustainable development in accordance with the Framework and would fail to accord with the development plan as a whole. Therefore, having regard to all relevant matters raised, I conclude that the appeal should be dismissed.

M J Whitehead

INSPECTOR