



Appeal Decision

Site visit made on 14 August 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 24th August 2017

Appeal Ref: APP/G1250/W/17/3175383

631 Christchurch Road, Bournemouth BH1 4AP

- 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 Strata Homes against the decision of Bournemouth Borough Council.
 - The application Ref 7-2016-2282-L, dated 13 December 2016, was refused by notice dated 7 April 2017.
 - The development proposed is for the change of use of the first and second floor into five self contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the first and second floor into five self-contained flats at 631 Christchurch Road, Bournemouth BH1 4AP in accordance with the terms of the application, Ref 7-2016-2282-L, dated 13 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AL-001b, P001 Rev.02, P002 Rev.03, P003 Rev.06 and P004 Rev.03.
 - 3) Before the occupation of any part of the development hereby approved, the cycle store shall be provided as shown on the approved plan (Proposed Floors Plans drawing no. 161115-P003 Rev 07) and thereafter maintained and kept available for the occupants of the development at all times.

Procedural Matters

2. The reasons for refusal are, in part, that the proposed development would harm the integrity of the Dorset Heath Special Protection Areas (SPA) in the absence of a financial contribution to secure acceptable mitigation. However, the appellant has subsequently entered into a legal agreement that makes the contribution sought by the Council. This is considered later in this decision.
3. In addition, a further reason for refusal has been overcome following the submission of details of cycle parking. I therefore need take this matter no further in my decision.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on highway safety and convenience.

Reasons

5. The appeal site comprises a three storey Victorian building of some local architectural and historic interest located within a central area of Boscombe Town Centre. Containing an amusement arcade on the ground floor, the upper floors were previously used as a dance studio. Immediately to the rear is a council owned short stay public car park (Hawkwood Road 2 Car Park). There are a further three Council operated car parks along Hawkwood Road, including two that allow spaces for permit holders.
6. The site lies within the heart of the Boscombe's main pedestrianised high street; Boscombe itself is identified as one of twelve district centres in the Bournemouth area and provides a diverse retail and other service offer consistent with its identified status. It is clear that the site is situated in a sustainable location with access to a wide range of existing services and amenities. The site is within easy walking distances of multiple and frequent bus routes and the bus station whilst Pokesdown railway station is a ten minute walk.
7. The proposals would see the conversion of the premises to form four self-contained flats comprising 2 x 2-bed flats, 1 x 1-bed flat and a studio flat. Separate bin store and cycle parking would be provided by converting a single storey ground floor outbuilding with access from the communal courtyard to the rear.
8. The Council has adopted a Parking Supplementary Document (the 'PSPD') that provides guidance on parking standards for new development. It supplements Policy CS16 of Bournemouth Borough Council's Core Strategy (the 'BCS') and is consistent with paragraph 39 of the National Planning Policy Framework (the 'Framework'), which sets out that local parking standards should have regard to the type of development, its accessibility and, particularly, the opportunities to use public transport, and local car ownership levels. Based on the Council's adopted standards, three parking spaces would be expected to be provided for a scheme of this nature. However, zero car parking is proposed, which would represent a significant shortfall to the Council's adopted standards.
9. For proposals that fail to comply with the Council's standards, the Council would require an assessment to be carried out of the impact of the parking demands arising from the development. This would generally include a survey of available on-street parking opportunities. However, such an assessment which is normally based on a 100m radius of development sites has not been undertaken as there are parking restrictions on all streets within this radius of the appeal site.
10. The local highways authority states that parking stress occurs on nearby residential streets and immediately beyond the 100m radius cited above, I observed that this appears to be the case, particularly those streets located further afield and which do not have any parking restrictions.
11. The appellant explains that there are multiple car parks located along Hawkwood Road and in close proximity of the site. These include both short

stay and long stay car parks, with the latter offering permit parking opportunities. It is argued that the locations of the public car park facilities are more conveniently located and safer than any unrestricted on-street parking opportunities, which are some distance away. Moreover, it is also argued that local car parking charges are set at realistic prices, including permit parking. Residents with cars would therefore find these facilities more attractive than driving some distance in search of available on-street spaces.

12. Both parties refer to appeal decisions within the Boscombe area that have differing outcomes. However, I am aware that an appeal at 143 Ashley Road (APP/G1250/W/15/3031308) also involved conversion of a D2 use¹ to residential flats and in an area where the local highways authority believed that insufficient on-street parking capacity was available in the surrounding area. The Inspector at that appeal opined that a D2 use “has the potential to generate a higher level of trips and therefore parking demand at any given time, than for the proposed residential use. The parking demand associated with the existing use ... is afforded significant weight in this decision.”
13. Whilst the Council also cites appeal decisions that were dismissed on lack of on-street parking, these to my mind related to new build developments rather than conversion of existing buildings that already generate parking demands of their own. I do not accept that these examples are of direct relevance to the appeal proposal and given the particular background to this appeal, permission here would not create any precedent.
14. In relation to the appeal site, it is disingenuous on the Council’s part to suggest that customers arriving at the D2 premises would inevitably use the public car parks whilst residents living in the town centre would not. The authorised use at No.631 is an important fall-back position and one which I afford significant weight in this decision. The close proximity of public car parks where long stay and permit parking is encouraged is an additional significant consideration in this planning balanced. Coupled with the site’s very obvious sustainable location close to higher order public transport facilities as well as to services and facilities, which are all within reasonable walking distances, I do not consider that the proposal would inevitably add to any existing parking stress.
15. Having regard to the above, I conclude that although the appeal proposal would not meet the Council’s benchmark parking standards, the site’s highly sustainable location in terms of public transport as well as other services and facilities would mean that unacceptable parking demand is unlikely to occur. The fall-back situation tips the balance in favour such that it would not be prejudicial to highway safety or convenience. I am also cognizant of the Framework, at paragraph 32, that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. As a result, the conflict with BCS Policy CS16 and the PSPD is outweighed by the material considerations identified above.

Other matters

¹ Assembly and leisure – cinema, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except motor sports, or where firearms are used).

16. The site lies beyond 400 m but within 5 km of the Dorset Heathlands. Natural England, the Government's specialist advisor, indicates that in this location, in the absence of suitable mitigation, additional residential development will have, in combination, a significant adverse impact on the integrity of the sites. This is taken through in Policy CS33 of the BCS. In addition the relevant Councils have published "The Dorset Heathlands Planning Framework 2015 - 2020 Supplementary Planning Document" (the SPA SPD) to provide a mechanism of providing mitigation through a range of measures which are identified in the document.
17. The appellant and the Council agree that a contribution is needed towards mitigation of the effects of the development through a Planning Obligation providing contributions towards Strategic Access Management and Monitoring (SAMM). In order to protect the Dorset Heathlands I concur that an appropriate contribution is necessary, and as set out in the SPA SPD, would be directly related to the development and fairly and reasonably related in scale and kind to the development. SAMM does not constitute 'infrastructure' within the terms of the Community Infrastructure Levy Regulations 2010 (as amended) and thus Regulation 123 is not triggered.
18. A Unilateral Undertaking has been submitted and provides the appropriate mitigation for the net increase in population on the appeal site to ensure that the development, either on its own or in combination with other plans or projects, does not adversely affect the integrity of the Dorset Heathlands. As such the proposal would comply with Policy CS33 of the BCS and the SPA SPD. It would also comply with the terms of the Conservation of Habitats and Species Regulations 2010 (as amended) and paragraph 118 of the Framework which seeks adequate mitigation for European sites.

Conditions

19. In accordance with the Planning Practice Guidance I have considered the condition suggested by the Council relating to cycle storage and agree that it is necessary to encourage sustainable modes of travel. This condition is attached together with the standard condition relating to the commencement period and a condition specifying approved drawings to provide certainty.

Conclusion

20. Having regard to the above reasons and all other matters raised, I conclude that this appeal should be allowed.

Gareth W Thomas

INSPECTOR