
Appeal Decision

Site visit made on 20 November 2018

by J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 9th January 2019

Appeal Ref: APP/G1250/W/18/3200987

509 Christchurch Road, Bournemouth BH1 4AG

- 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 Stephen Cole of Chesterhill Investments Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-6038-E, dated 7 August 2017, was refused by notice dated 26 February 2018.
 - The development proposed is the conversion of part ground floor, first and second floors to 12 student bed spaces with communal facilities, including minor alterations to the elevations; construction of residential dwelling to the rear; ancillary open space and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In July 2018, the revised National Planning Policy Framework (The Framework) was published. The main parties have had opportunity to comment on the significance of the changes and I have had full regard to the revised Framework in determining this appeal.

Main Issues

3. The main issues are: a) the adequacy of car parking provision and its effect on highway safety; and b) the adequacy of cycle storage provision.

Reasons

Parking provision

4. Policy CS16 of the Bournemouth Local Plan: Core Strategy (2012)(Core Strategy) requires parking provision for new development to be in accordance with the Council's adopted parking standards. These standards are set out in the Bournemouth Parking Supplementary Planning Document (SPD) 2014. The SPD adopts a zonal approach in its assessment of local parking standards which reflects advice in paragraph 105 of the National Planning Policy Framework (Framework), including the accessibility of the development and local car ownership levels. Saved Policy 5.35 of the Bournemouth District Wide Local Plan (2002) (Local Plan) supports the development of student accommodation subject to appropriate provision being made for cycle provision and car parking.

5. The area around the site is subject to a high demand for car parking with on street parking in the area mostly subject to restrictions and in places it is prohibited. The site boundary along Adeline Road is subject to one-way traffic where parking is restricted by double yellow lines and where on street spaces are restricted to police vehicles only.
6. The proposal would alter the number of units from two, three bedded flats forming 12 student studios together with an additional separate residential dwelling fronting Roumelia Lane. The parking provision when measured against the Councils' adopted standards set out in the Parking SPD would result in a shortfall of six spaces.
7. The Appellants say that the accommodation is exclusively for students and can be strictly controlled to include a tenancy restriction to prevent residents from having a car whilst living on the site. This is set out in the Student Management Statement which was requested by the Council. Whilst I have no reason to doubt that this is a genuine intent it is not a binding arrangement moreover the appellants have not entered into any arrangement with an academic institution or student management company to secure car free occupancy in respect of these units.
8. The appellants suggest that it is not uncommon for student residences to have no on-site parking and point to examples at Holdenhurst Road and Oxford Road where accommodation for students has no parking provision. I do not have all the details of those schemes though I note those examples are much closer to the centre of the town and close to the main railway station and therefore the circumstances do not appear comparable to those of the appeal site.
9. My attention has been drawn to the extent of public parking provision in the vicinity which the appellants say could be used by residents or guests of the development. Those car parks are within 500 metres and the appellants have provided a snapshot of availability on a single day in the late spring which indicated some capacity. Some of those parking areas identified are restricted to permit holders only and others service the retail provision in the nearby Sovereign Centre. However that parking is restricted to a maximum length of stay and it is by no means certain whether this would provide a realistic option for student parking.
10. The appellants assert the Council have given insufficient attention to the parking demand from the existing use and stresses that this is not controlled through any measure of enforcement whereas a management plan would be effective in this regard. In the form suggested the plan would not be capable of being effectively secured or enforced nor would a planning condition be appropriate in this regard.
11. An appeal decision¹ has been cited where an application for conversion of existing accommodation into flats was approved without car parking. That decision makes clear that the former² use could have generated a much higher level of car parking and also notes that on street parking in the vicinity of that site was not restricted. Those circumstances do not apply here.
12. Whilst the appellants make a cogent argument that an amount of space required by the existing accommodation should be offset against the

¹ APP/G1250/W/15/3031308

² D2 – Assembly and leisure which, amongst other uses includes cinemas, music and concert halls

requirement for an increased number of spaces. However it would not, in the context of the adopted policy, justify a nil parking provision. This is particularly the case as existing spaces would be removed to facilitate the new residential unit and the individual parking that it would generate and this would be at the expense of inadequate parking for the student accommodation.

13. There is no design objection from the Council to the new dwelling to the rear of the site (fronting Roumelia Lane). However the lower number of on-site spaces coupled with the increased requirement from the intensification of the use and the new house would significantly undermine the efficacy of the SPD, a document to which I attribute significant weight. The result would be a high risk of increased parking pressure in an area already at capacity. I observed that some frontages in the vicinity have been laid out as off street parking and this already limits the number of on street spaces available. In my view this reinforces the importance of making adequate provision for any intensification of the existing use of the site.
14. Taking all these factors into account the additional development would remove some of the existing off street provision which in combination with the intensification of the use for student accommodation along with an additional dwelling would place unacceptable pressure for parking in an area which is already severely limited this would cause an unacceptable increase in the risk to highway safety.

Cycle Provision

15. There is disagreement between the appellants and the Council regarding the required number of cycle spaces needed by the development. The Highway Authority states 9 spaces and appellants state 4 (the latter calculation appears to be based on 10 bed-spaces rather than 12) the appellants argue that the existing use should be offset. The appellants suggest how the cycle area could be revised however I consider that this matter could not be satisfactorily resolved through a planning condition. In any event this space would not enable the number of cycle spaces to be provided in accordance with the SPD and in this regard there is conflict.

Conclusion

16. Consequently the development would be in conflict with Policies CS16 and CS18 of the Bournemouth Local Plan Core Strategy (2012) (Core Strategy); to the aims of the Framework and to the Councils Supplementary Planning Document Parking (2014) which together seek to ensure that parking standards take account of the accessibility of a site the nature of the use, the opportunities for public transport; local car ownership levels and the need to provide adequate provision of car spaces and appropriate cycle provision in order to encourage sustainable patterns of transport.

Other matters

17. The appellants' additional comments in response to the Councils statement refers to a shortfall of 1.78 (2) parking spaces on the basis that there are two spaces provided on site. As those proposed spaces would not serve the student accommodation and the shortfall is not affected their provision as they would serve the retail space and the proposed dwelling.

18. Reference has been made to an inconsistency in how the highway authority have applied car parking standards. The appellants point to a case from 2013 which preceded the Parking SPD and therefore this has little relevance to the policy circumstances which are applicable now. Moreover the appellants also refer to the management regime based on nil car policy which they say can be enforced by the management company or via the Section 106 obligation. However the Unilateral Undertaking that I have before me relates only to mitigation measures in relation to Dorset Heathlands (a matter to which I return) and does not make provision for any restriction on car ownership. I therefore give little weight to this matter.
19. The Council clarify that the poor design issue relates to the layout of the site with regard to the layout of on-site cycle and parking provision. No issue is taken by the Council in respect of the architectural design of the separate residential unit or the physical alterations to the main building. On the basis of the evidence before me there is no dispute between the parties on this matter and I see no reason to take a different view in the context of Policy CS41 of the Core Strategy. The Council make comment in respect of policy CS18 insofar as it relates to the design of the layout of the site and its impact on public safety in this regard there would be some conflict for the reasons outlined above.
20. The development would provide additional student accommodation in a location where there is a need and which has good transport links and access to cycle networks and these are acknowledged as benefits. However these do not outweigh the harm which I have identified in relation to the main issues.
21. The appellants state that the use of vehicles would be mostly at the start and end of term where visitors can access public car parking spaces. That may be so however it does not mean outweigh the requirements of the adopted SPD to which I attach considerable weight.
22. It has been brought to my attention that the Neighbourhood Plan is considering the redevelopment of underutilised spaces in the vicinity of the site and that this demonstrates a surplus of spaces. The Neighbourhood Plan is still in the process of preparation so cannot be given weight at this point.
23. Reference has been made to an emerging Boscombe and Pokesdown Neighbourhood Plan and extracts of the document have been provided however this is an emerging document at consultation stage and does not yet carry weight as an adopted plan so does not affect my conclusion.
24. A Unilateral Undertaking (UU) been received which deals with the impacts arising from the effect on the Dorset Heathlands as required by the Dorset Heathlands Planning Framework. The Council have confirmed that the UU is acceptable in meeting those requirements and that of Policy CS33 relating to the mitigation of effects on the Dorset Heathlands. Although I note the agreement, had the appeal been acceptable in all other respects, an appropriate assessment would have been necessary following recent case law relating to the Habitats and Birds directive and the effect on the SPA. However as the appeal is failing for other reasons I do not need to consider this matter further.

Conclusion

25. For the reasons given above and having regard to all other matters raised the appeal is dismissed.

Janet Wilson

INSPECTOR