The Planning Inspectorate

Appeal Decision

Site visit made on 24 June 2019

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/G1250/W/18/3219249
Sandringham Mansions, 21-51 Exeter Road, Bournemouth BH2 5AF

- 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 Sturry Investments Ltd against the decision of Bournemouth Borough Council.
- The application Ref 7-2018-836-AP, dated 21 August 2018, was refused by notice dated 28 November 2018.
- The development proposed is alterations and formation of a new 3rd floor level to premises to create an additional 6no. self-contained flats and the erection of a bin and cycle store.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Sturry Investments Ltd against Bournemouth Council. This application is the subject of a separate Decision.

Procedural Matter

3. The decision to refuse the application was made by Bournemouth Borough Council. On 1 April 2019, the Council ceased to exist, and the Council area now forms part of the new Bournemouth, Christchurch and Poole Unitary Authority. In accordance with the provisions within the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008, the status of the Bournemouth Local Plan Core Strategy (adopted 2012) (the Core Strategy) has not changed as a result of the formation of the new Council.

Main Issues

4. The main issues are:
   - the effect of the proposal on the Dorset Heathlands Special Protection Area (SPA), Ramsar site, and the Dorset Heaths Special Area of Conservation (SAC), and
   - the adequacy of car parking and its effect on highway safety.

Reasons

Habitats sites

5. The evidence indicates that the site would be within 5km of a Site of Special Scientific Interest (SSSI) which is part of the designated Dorset Heaths SAC,

Ramsar site and is also part of the Dorset Heathlands SPA. The Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (SPD) sets out a strategy that seeks to mitigate the impacts on the heathland arising from recreational pressure from residents of new residential accommodation. The SPD indicates that the provision of Heathland Infrastructure Projects would be delivered through the Community Infrastructure Levy and that Strategic Access Management and Monitoring (SAMM) would be secured via a planning obligation.

6. The development, in combination with other projects, would be likely to have a significant and adverse effect on the integrity of the protected sites, by way of the additional recreational pressure. The appellant has indicated a willingness to address this issue of the required SAMM contribution towards the mitigation of the nearby habitats sites. I have been presented with a draft Unilateral Undertaking (UU) in this respect. However, it has not been signed and dated and therefore it would not take effect to address this matter. Consequently, the significant and adverse effects that I have identified would not be mitigated and, therefore, there would be harm to the integrity of the habitats sites.

7. Accordingly, I conclude that the development would have an adverse effect on the Dorset Heathlands SPA, Ramsar site and Dorset Heaths SAC and therefore would conflict with Policy CS33 of the Core Strategy which requires, amongst other things, that development will not be permitted unless it can be ascertained that the development will not lead to an adverse effect on the integrity, directly or indirectly, of the Dorset Heaths international designations.

Car parking and highway safety

8. Policy CS16 of the Core Strategy requires that parking provision for new development shall be in accordance with the Council's adopted parking standard. The parking standard is incorporated into the Parking – Supplementary Planning Document (adopted 2014) (the Parking SPD). The site is located within Parking Zone 1 and, in accordance with the Parking SPD, the 6 units would require 5 spaces, if unallocated.

9. The rear parking area has about 10 spaces available. There are presently flats on the upper floors and commercial uses in other parts of the building. The scheme would provide no additional car parking spaces and none would be allocated to the proposed flats. There are public car parks reasonably nearby and the adjoining roads are subject to parking restrictions. The evidence indicates that the nearest unrestricted parking would be about 400m away and it is said that there is limited capacity for displaced parking from future developments within the area to be accommodated on-street. The Highway Authority has drawn attention to documented examples of illegal parking in the vicinity as well as personal injury collision data, of which some of the accidents have been serious. However, the examples of illegal parking are not that recent, and I have not been presented with background to the accidents such that there is robust evidence of the link between accidents and localised illegal parking. I therefore attribute this evidence moderate weight.

10. I am conscious that the parking standards are adopted and are supported by a development plan policy. They are set on a zonal basis and this reflects the policy advice in paragraph 105 of the National Planning Policy Framework (the Framework).

11. On the other hand, a 2014[1] application for 9 units on the same upper floor level was permitted by the Council with no parking requirement because it was said the location was sustainable. The planning report refers to both the then existing (July 2011) and emerging parking standards (which were adopted shortly afterwards) and that the additional 9 flats would generate a requirement for 6 car parking spaces under both parking standards. Nevertheless, it appears that the Highway Authority did not object to the application at that time and the report explains that the town centre location, proximity to sustainable transport alternatives, coupled with on-street parking restrictions, did not justify refusal of the application on parking or other grounds.

12. The 2014 permission has now lapsed. However, given that the earlier permission was made with direct reference to the present parking standards, and I have not been presented with clear evidence of any material change in planning circumstances, I attribute the earlier permission substantial weight.

13. The site is located in a very sustainable location, close to a wide range of retail outlets, a taxi rank and bus stops. The train station is within walking distance for some and there is a car club reasonably close nearby. Future occupiers would be aware that they would not have access to car parking on site, that car parking in the vicinity of the site is problematic and very well may choose to rent or buy with this knowledge in mind. Accordingly, I consider that the parking requirements generated by the additional flats would be likely to be limited and would therefore not materially add to localised parking stress. This is similar, in my view, to the conclusion reached by the Council when it determined the proposal for 9 units in 2014.

14. Having due regard to all these matters, I consider that the evidence satisfies me that the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. In this way, there would be no conflict with the approach to such matters as set out in paragraph 109 of the Framework.

15. I have noted the appeal cases[2] that have been drawn to my attention by the Highway Authority. I do not have detailed information on these sites, including the localised parking situation and the access to local services, to be satisfied that they would be directly comparable to the present case. As a consequence, I have examined the present case on its merits and attribute these other appeal decisions limited weight.

16. The Building for Life document has also been drawn to my attention. I see no substantial conflict with the general approach in this document which recommends when considering a proposal, anticipating car parking demand by taking into account the location, availability and frequency of public transport, together with local car ownership trends.

17. Taking all these matters into account, I conclude that the proposal would have an acceptable effect in relation to car parking and highway safety. This is because the very sustainable location, the localised parking circumstances leading to, in all likelihood, limited car ownership, and the considerations that led the Council to permit the residential proposal in 2014 without car parking,

[1] Planning application 7-2014-836-AL
[2] APP/G1250/W/18/3200987, APP/G1250/W/17/3183745 and APP/G1250/W/17/3178363.

would outweigh the conflict with Policy CS16 of the Core Strategy, the associated Parking SPD and the other concerns raised in respect of parking and safety.

18. The reason for refusal references Policy CS41 of the Core Strategy. As I have found that the scheme would be acceptable in relation to highway matters, and there is no dispute regarding the physical appearance of the upper floor addition, I find no conflict with this policy which seeks to ensure that all development and spaces are well designed and of a high quality.

Other Matters

19. There would be social and economic benefits with the provision of the residential development both during construction and in subsequent occupation. The development would make a modest but worthwhile contribution to housing supply in a highly sustainable location on an existing developed site making effective use of the land. The scheme would provide an opportunity to use airspace above this building in a way that was consistent with the prevailing height and form of neighbouring properties and the overall street scene. This is all in accordance with Framework policy objectives. However, as only 6 units of accommodation would be provided, I attribute these benefits moderate weight.

Planning Balance and Conclusion

20. The appellant makes the case that the Council cannot demonstrate a 5 year housing land supply of deliverable sites. The Council dispute this in their evidence. However, regardless of the position, this is not a case where the presumption in favour of sustainable development, as set out in paragraph 11d of the Framework, is engaged. This is because, applying the policies in the Framework that protect areas of particular importance, I have found that the proposal would be likely to have a significant and adverse effect on habitats sites and this provides a clear reason for refusing the development proposed.

21. I have found that the development would be acceptable in relation to parking and highway safety. This is neutral in the overall analysis and the benefits of the scheme, outlined above, afford moderate weight. However, the proposal would not adequately mitigate the impact on the habitats sites. This is a matter which I attribute substantial weight. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR