



Appeal Decision

Site visit made on 19 November 2019

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 December 2019

Appeal Ref: APP/V1260/W/19/3233402

Wingfield Court, Manor Road, Bournemouth BH1 3HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Tippey Construction against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2018-21563-D, dated 23 August 2018, was refused by notice dated 20 June 2019.
 - The development proposed is an outline submission for additional 2 storeys to roof of building to provide 10 flats.
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Decision

1. The appeal is allowed and planning permission granted for an outline submission for additional 2 storeys to roof of building to provide 10 flats at Wingfield Court, Manor Road, Bournemouth BH1 3HE dated 23 August 2018, subject to the conditions set out in the schedule.

Application for costs

2. An application for costs was made by Tippey Construction against Bournemouth, Christchurch and Poole Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application has been made in outline with appearance, landscaping, layout and scale for consideration at this stage and access reserved.
4. In relation to the third reason for refusal, a Unilateral Undertaking (UU) has been submitted at the appeal stage to seek to address the recreational impacts arising from the development on the Dorset Heathlands Special Protection Area (SPA), Ramsar site, and Dorset Heaths Special Area of Conservation (SAC). The Council has confirmed that this addresses their concerns in respect of this reason for refusal and I will address this matter later.

Main Issues

5. The main issues are:
 - the adequacy of car parking provision and its effect on highway safety,
 - whether the proposal would make adequate provision for the storage, collection and management of refuse and recyclable waste, and

- whether the proposal would make adequate provision for cycle parking.

Reasons

Car parking

6. Policy CS16 of the Bournemouth Local Plan: Core Strategy (October 2012) (the Core Strategy) requires that parking provision for new development shall be in accordance with the Council's adopted parking standards. The parking standards are incorporated into the Parking – Supplementary Planning Document (adopted July 2014) (the Parking SPD). In accordance with this document the Highway Authority has calculated that the additional 10 units within this Zone 3 area would require 10 spaces, if unallocated. The proposal makes no provision for on-site car parking and is therefore in conflict with Policy CS16 of the Core Strategy.
7. The present 32 flats at Wingfield Court do not have any on-site parking spaces and the surrounding streets have generally double yellow lines or pay and display parking, although the information indicates that there is some resident permit parking in Grove Road. A planning permission for 8 flats, the units to be constructed on an additional floor, was permitted under reference 7-2016-21563-C (the C Scheme) on 1 February 2017. This permission included no on-site car parking provision for the additional 8 units which, if constructed, would result in a total of 40 flats. This permission is extant.
8. The copy of the C Scheme Planning Report which accompanied this decision has a gap where the analysis regarding Parking/Traffic/Highway Safety would be considered. It is said by the Council that it is an oversight that this application was not examined in relation to the Parking SPD and that this development of 8 flats would have a demand for 7 unallocated on-site spaces.
9. My attention has also been drawn to the planning permission for the erection of an additional floor to the building to form 8 flats which was permitted under reference 7-2015-21563-B (the B Scheme) on 29 February 2016. This is a similar but alternative proposal to the C Scheme and has now lapsed. The accompanying report for the B Scheme in respect of Parking/Traffic/Highway Safety explains that residential parking relies on the parking bays on Manor Road in which parking is payable between 9am to 5pm Monday to Friday, free for the rest of the time and some spaces in Grove Road using resident parking permits. The report concludes with the then advice of the Highway Authority that although it is acknowledged that parking is much busier during the summer months, given the fact that beach goers are unlikely to compete for parking spaces in the evenings when it is the peak times for residential parking, and new residents have the opportunity to park on Grove Road, the Highway Authority advise that they were not able to substantiate an objection on parking grounds.
10. I note that the decision on the B Scheme was taken after the adoption of the Parking SPD. However, the Highway Authority has indicated that the Grove Road resident's parking area is now oversubscribed and that since the decision on the C Scheme the pay and display parking has been extended to cover weekends between 9.00 and 17.00. I have also noted the concerns of local residents regarding parking and that at times it is said that visitors to the area park in the bays dedicated for local residents who have purchased a permit.

11. I have also been presented with accident information, however, on the information before me there are no clear and robust details that demonstrate that the limited number of accidents are associated with parking problems in conjunction with residential properties in the area.
12. Wingfield Court is also within reasonable walking and cycling distance of the nearby centre that has a range of shops, services, employment opportunities and links to public transport. The site is, in this respect, in a good location such that occupiers have reasonable alternatives to access these services and facilities without the requirement to use a private vehicle. In these circumstances, future occupiers would be aware that there would be no on-site car parking and are likely, in my view, to make decisions to rent or buy the accommodation in this knowledge.
13. The Council has criticised the parking survey undertaken by the appellant, including on the basis that the areas around the site are limited to pay and display and it is said that these should be discounted useable spaces for residents. I have noted all the comments regarding the parking survey and the available spaces. It appears to me that for some residents, and perhaps visitors to the site, the pay and display bays, given that they are free during evenings and overnight, would allow some ability to accommodate any vehicle parking requirements that may be generated by the development. At weekends this may be more problematic because there is now charging during the day and this lends some weight against the proposal but this situation would be known to future residents and they would still be able to pay to park and make their decisions on occupation and car ownership accordingly.
14. 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). However, I also note that there is limited evidence that any parking problems locally has led to highway safety issues.
15. An important consideration in this case is that there is an extant permission for an additional 8 flats at the site where, for whatever reason, no on-site car parking has been required. This would result in 40 flats with no on-site parking. The present application would add two additional flats with a car parking requirement of 3 unallocated spaces. The extant permission and its lack of requirement for parking is a matter which I attribute substantial weight.
16. Having regard to all these matters and the variety of information that has been presented, I consider that on the balance of evidence, I am satisfied 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.
17. I have noted the appeal cases¹ 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, the detailed planning history and the access to local services, to be satisfied that they would be directly comparable to the

¹ APP/G1250/W/18/3200987 (509 Christchurch Road), APP/G1250/W/17/3183745 (109 & 109a Richmond Park Road) and APP/G1250/W/17/3178363 (69 Calvin Road).

present case. As a consequence, I have examined the proposal on its merits, which given the particular circumstances is unlikely to be replicated elsewhere, and therefore I attribute these other appeal decisions limited weight.

18. 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.
19. Taking all these matters into account, I conclude that the proposal would have an acceptable effect in regard of car parking impact and highway safety. This is because of the reasonably sustainable location, the localised parking circumstances leading to, in all likelihood, limited car ownership, the general considerations² that led the Council to permit the B Scheme in 2016 without car parking and the extant C Scheme for 8 units which provides no on-site car parking. These matters in combination 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.
20. 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 additions and together with my conclusions on the other main issues, I find no conflict with this policy which seeks to ensure that all development and spaces are well designed and of a high quality.
21. The Highway Authority has suggested, should I be minded to allow the appeal, that there should be a legal agreement preventing occupiers of the additional units from applying for a Council car parking permit. However, given my findings above, I do not consider that this would meet the tests set out in paragraph 56 of the Framework, in particular, it would not be necessary to make the development necessary in planning terms.

Storage, collection and management of refuse and recyclable waste

22. Along the northern side of the Wingfield Court building there is an area where bins are sited allowing for the storage of waste. The bins are in a position which would allow them to be wheeled to the footway directly along the pathway for collection.
23. The B Scheme was subject to a condition (No 9) that required the submission of details of the layout, siting and design of the refuse bin store to meet the needs of the 8 additional flats. The C scheme showed bin storage areas on the plans and condition 9 of this approval required this to be constructed in accordance with the approved details prior to occupation of the development.
24. In this case, the submitted plans did not show any additions to the bin storage areas. I have noted all the submissions regarding this issue from the Council, including the type, number, position, gradient and distance of pull of the bins that would be required including the advice on this matter set out in the

² accepting that there are now weekend charges for parking and the present resident's permit situation in Grove Road.

Planning Guidance Note³. The approval under the C Scheme showed that that bins for 8 additional flats could be accommodated and notwithstanding the updated guidance I am satisfied that there is space alongside the building to provide bins for the additional 2 flats. There appears, in my view, to be no substantive planning reason why these bins could not be collected in the same way as the others which have been agreed and would serve this site.

25. The ground floor side elevation of the building has, according to the plans, two cupboard windows and a window at the end of the central access corridor. This appears to be replicated on the upper floors of the existing building. The position of the bins would, therefore, not be immediately adjoining windows of habitable rooms and therefore would not have a material impact on the living conditions of the adjoining flats. With the position of the bin store area by the side of the building there would not be an adverse effect on the character and appearance of the area.
26. At the appeal stage, the appellant has submitted a further plan showing the position of the additional bins and while this helps demonstrate that there is space, nevertheless, I consider that it would be more appropriate that the details of the bin storage be subject of a condition in any approval. In this way, the details and other elements of the specification for collection and positioning in relation to trees, which may be different from that shown on the further plan, could be agreed by the Council. I do not consider that adjoining residents would be prejudiced by the consideration of the details of this matter by a condition in any approval because there is already an extant permission with related condition for the delivery of bin storage in this area and indeed this area is already used for this purpose.
27. In the light of the above, I conclude that subject to a suitably worded condition in any approval that the proposal could make adequate provision for the storage, collection and management of refuse and recyclable waste. Accordingly, the scheme would comply with saved Policy 6.10 of the Bournemouth District Wide Local Plan (February 2002), Policies CS22 and CS41 of the Core Strategy and the Residential Development – A Design Guide (September 2008) which seeks, amongst other things, that development does not harm local amenity or living conditions.

Cycle parking

28. With the B Scheme a cycle store was included in the description of the development and shown on the approved plans. The provision of a cycle store was subject to condition 10 of this approval. With the C Scheme, again the provision of a cycle store was included in the description of the development, shown on the approved plans and the details subject to approval under condition 10 of that approval.
29. The submitted plans for the appeal development do not show any cycle parking in association with the additional units. However, such a scheme could be agreed and built under the extant C scheme and there appears to be space within the site for the provision of such a store. Given these circumstances, and as this has already been the subject of consideration under previous

³ Waste and Recycling Services – Planning Guidance Note - Standards for Storage and Means of Access to Refuse and Recycling Containers.

permissions, I am satisfied that the provision of a cycle store could be made the subject of a suitably worded condition in any approval.

30. Accordingly, I conclude that subject to a suitably worded condition in any approval requiring the provision of cycle parking that the proposal would make adequate provision in this respect. Consequently, the proposal would comply with Policies CS16, CS18 and CS41 of the Core Strategy which seek, amongst other things, to ensure that all new developments will provide adequate cycle storage in accordance with the Council's adopted standards.

Other Matters

31. The site is located within the East Cliff Conservation Area (the CA). I am mindful of the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of any land or buildings in a Conservation Area.
32. The character of the CA is significant because it includes an area that was originally of cliff top period villas in large grounds on tree lined roads. The area now has an increased diversity of the architectural styles of buildings though in a soft landscape setting. The proposal would add two floors to the existing building, however, the design and bulk would be acceptable, the site would largely be screened by established trees and the extended mass of the building would be similar or less than many others in the CA. In these circumstances, I consider that the proposal would preserve the character and appearance of the CA.
33. The evidence indicates that the site would be within 5km 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 (CIL) and that Strategic Access Management and Monitoring (SAMM) would be secured via a planning obligation.
34. 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 submitted a signed and dated UU to pay the SAMM proportionate to the development and I am satisfied that this mitigation would be secured and that the required infrastructure would be delivered through a charge under the CIL. In these circumstances, when undertaking an Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017, I conclude that the adverse effects that I have identified would be mitigated and, therefore, there would be no harm to the integrity of the habitats sites. On this basis the development would accord with Policy CS33 of the Core Strategy.
35. I have taken into account all the objections to the proposal. In respect of car parking, waste disposal and cycle parking I have examined these matters above. Noise and disruption during any building process that may take place would be for a temporary period and this is not a matter of such weight that permission could be withheld for this reason. I have noted the concerns with the existing lift and whether it could be upgraded, and issues regarding water,

drainage and sewage, are matters that could be examined as necessary through the detailed design and construction of the proposal. The concerns regarding the present roof are matters of maintenance and not for me as part of the main issues in this appeal. Any overlooking from the additional floors, given the spacing between buildings, would be limited and would not cause undue harm.

Conditions

36. I have had regard to the conditions suggested by the Council and the Highway Authority, and the advice in the Planning Practice Guidance. I have amended some conditions in the interests of clarity and precision. The standard time limit for outline applications is required and a condition specifying the approved plans is necessary in the interests of certainty.
37. A condition specifying the hours of work on site and a related method statement is necessary given that the other flats in the building are likely to be occupied during the construction process and the living conditions of these residents need to be considered. A condition seeking agreement to the external materials and the requirement to internalise service piping is necessary in the interests of the visual amenities of this CA site.
38. A condition is necessary to ensure the works take place in accordance with the advice in the Bat Report to protect any bats that may be present, given that the roof is to be removed. A condition requiring the tree protection measures is necessary given the visual importance of the trees. The condition in relation to the provision of swift boxes is necessary in the light of the advice from Natural England and in the interests of biodiversity.
39. Conditions requiring the submissions of the details of waste bins and cycle parking are necessary for the reasons outlined above. The requirement for a private management company to empty the bins from the development, particularly as only 2 of the flats are additional compared to the existing 32 flats, and that 8 flats have been approved under the C Scheme, all without such arrangements, would not meet the test of reasonableness in this case. A condition is necessary for the development proposal to be built in accordance with the Ground Stability Report as the site is close to the sea cliffs.
40. It is necessary that conditions 5, 10, 11 and 12 are pre-commencement conditions as these matters need to be addressed prior to works starting on site. In the case of condition 5 this is in the interests of the amenities of local residents and in respect of the other conditions to ensure that the requirements are integrated into the overall scheme at the outset.

Conclusion

41. Having regard to the above, and taking all matters into account and subject to the recommended conditions, I conclude that the appeal should be allowed.

David Wyborn

INSPECTOR

Appeal Ref: APP/V1260/W/19/3233402
Wingfield Court, Manor Road, Bournemouth BH1 3HE
Schedule of Conditions

- 1) Details of the access (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the approved plans: 1320P/100bS, 1320P/104S, 1320P105bS, 1320P106aS, 1320P/107S and 1320P/108S.
- 4) All on-site working, including demolition and deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays.
- 5) No site clearance or development work shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Method Statement that includes the following measures:
 - a) parking arrangements for operatives and construction vehicles working on-site;
 - b) noise reduction measures including times of piling operations, and
 - c) details and siting of equipment, machinery and surplus materials on the site.

The parking arrangements for operatives and construction vehicles shall be implemented prior to development commencing and the development shall be carried out in accordance with the approved details.

- 6) Details and/or samples of the facing materials and finishes to be used on the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any superstructure works on site. Development shall be carried out in accordance with the approved details.
- 7) Unless shown on the approved elevational drawings any pipework (with the exception of rainwater down pipes) shall be internal to the building.
- 8) The development shall be undertaken in accordance with the provisions of the approved Bat Report prepared by Philip Smith job ref: 1502016 dated 18 January 2016 unless otherwise subject to the written agreement of the Local Planning Authority.
- 9) The tree protection measures as detailed in the Arboricultural method statement dated 28 January 2019 and prepared by Mark Hinsley Arboricultural Consultants Ltd. Arboricultural Method Statement Ref.

4081-2019/JC/MTH/01/19 and plan 4081-2019 Dated 28th January 2019 shall be implemented in full and in accordance with the approved timetable and maintained and supervised until completion of the development.

- 10) Prior to the commencement of the development details of the siting, and design form and appearance of 10 swift bricks to accommodate swifts, shall be submitted to and approved in writing by the Local Planning Authority in accordance with the advice detailed within the letter dated 04 October 2018 of Natural England. The approved swift bricks shall be provided prior to occupation of the flats hereby approved and once provided thereafter retained unless otherwise agreed in writing by the Local Planning Authority.
- 11) Prior to the commencement of the development, details of a secure, fully enclosed, brick built and walk-in cycle store for at least 10 cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall have a lockable door and keys should be made available to all residents. It should also contain a sufficient number of Sheffield stands, spaced at 1000mm centres, and 550mm should be allowed between the store walls and the adjacent edges of the Sheffield stands, to enable the required number of cycles to be stored and each cycle shall be accessible and not obstructed by other cycles in the store. The cycle store shall be in an accessible location and have internal and external illumination and adequate lighting shall be provided along the route to the store. Works shall be carried out in accordance with the agreed details and completed prior to occupation of the development hereby approved. The cycle store and associated lighting shall thereafter be retained, maintained and kept available for the residents of the development.
- 12) Prior to the commencement of the development details of the layout, siting and design of the refuse waste and recycling bin store to meet the needs of the development, including details of access to the footway, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be constructed in accordance with the approved details prior to the occupation of the proposed development and shall be retained and maintained for that use thereafter.
- 13) The development shall be implemented in accordance with the provisions of the Ground Stability Report prepared by B.E.Willis – Consulting Civil & Structural Engineers ref: BEW JCL 2018.467 dated 09 July 2018.

End of Schedule