



Appeal Decisions

Site visit made on 15 September 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/V1260/W/20/3251241

291 Ashley Road, Parkstone, Poole, Dorset BH14 9DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class M.
 - The appeal is made by Mr Darren Simmonds, Crestland Homes Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/20/00257/PA, dated 27 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is to reduce the size of the existing shop to create a C3 dwelling to the rear.
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Appeal Ref: APP/V1260/W/20/3251242

293 Ashley Road, Parkstone, Poole, Dorset BH14 9DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class M.
 - The appeal is made by Mr Darren Simmonds, Crestland Homes Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/20/00256/PA, dated 27 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is to reduce the size of the existing shop to create a C3 dwelling to the rear.
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Appeal Ref: APP/V1260/W/20/3251243

297 Ashley Road, Parkstone, Poole, Dorset BH14 9DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class M.
 - The appeal is made by Mr Darren Simmonds, Crestland Homes Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/20/00254/PA, dated 27 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is to reduce the size of the existing shop to create a C3 dwelling to the rear.
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Appeal Ref: APP/V1260/W/20/3251245

299 Ashley Road, Parkstone, Poole, Dorset BH14 9DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class M.
- The appeal is made by Mr Darren Simmonds, Crestland Homes Ltd against the decision of Bournemouth, Christchurch and Poole Council.

- The application Ref APP/20/00255/PA, dated 27 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is to reduce the size of the existing shop to create a C3 dwelling to the rear.
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Decisions

1. The appeals are allowed and approval is granted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class M to reduce the size of the existing shop to create a C3 dwelling to the rear at Nos. 291, 293, 297 and 299 Ashley Road, Parkstone Poole, Dorset BH14 9DZ in accordance with the terms of the applications Ref APP/20/00257/PA; APP/20/00256/PA; APP/20/00254/PA; and APP/20/00255/PA, dated 27 February 2020, and the plans submitted with them, subject to the following condition:

- 1) Prior to the first occupation of the residential unit hereby permitted, secure cycle parking, in the form of one Sheffield stand within a lockable cycle store with appropriate lighting, shall be provided in the location shown on the approved plans.

The approved bicycle parking shall be erected and made available prior to occupation of the new residential unit and shall remain available for bicycle parking use only at all times thereafter.

Procedural matters

2. The requirement to seek prior approval under the Town and Country Planning (General Permitted Development Order) (England) 2015 (the GPDO) is a pre-commencement condition imposed by the GPDO, Schedule 2, Part 3, Class M, Paragraph M.2. Internal works are currently being undertaken in the units but the appellant has confirmed that works in connection with the change of use sought have not commenced. I have, therefore, determined the appeals on their merits.
3. This decision letter relates to all 4 appeals described above. The condition detailed in my formal decision is imposed on each approval, along with those imposed by the GPDO.

Main Issue

4. The GPDO, Schedule 2, Part 3, Class M, Paragraph M.2 sets out that before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to various matters. There is no dispute that the development is acceptable in respect of all matters except the transport and highway impacts of the development.
5. Therefore, the main issues in respect of this appeal are the transport and highway impacts of the development.

Reasons

6. Ashley Road is a busy thoroughfare and high frequency bus route. Around the appeal sites it has a commercial character, with a wide range of shops and other business premises lining the road. The sites are close to a signalised

junction, the approach to which includes a marked out right-turn lane. There is also an on-carriageway loading bay that, when occupied, effectively limits the length of the two-lane approach to the junction.

7. The proposal would remove the opportunity to service the units from a lane to the rear. However, whilst this would force all servicing activities to the front, I have no reason to conclude that the on-carriageway loading bay could not adequately serve the needs of the units.
8. Nevertheless, due to delays to the high frequency bus services caused by the relationship of the loading bay and filter lanes, the Council intends to remove it in the near future. Such would help to deliver high quality public transport opportunities, as encouraged by the National Planning Policy Framework. The bay would likely be replaced with parking restrictions that included preventing stopping for loading and the like.
9. With the bay removed, absence of rear servicing access, and lack of other convenient stopping opportunities, some drivers, including those making deliveries, may choose to take short-term parking risks and stop indiscriminately in unsafe or inconsiderate locations, including partly on the footway. However, there is no substantive evidence that drivers would behave inappropriately or in contravention of any traffic regulations with any great frequency so I can only place very limited weight on such possible behaviour.
10. Although Policy PP35 of the Poole Local Plan (2018) seeks to ensure the retention or improvement of rear servicing opportunities, and Policies PP27 and PP34 seek to prioritise the needs of pedestrians, cyclists and public transport users, managing road space in order to improve the quality, reliability and attractiveness of alternatives to the private car, no demonstrable harm would arise in respect of the aims of these policies.
11. I, therefore, conclude that the proposals would not cause harm to highway safety or the efficient operation of the highway network, so the transport and highway impacts of the development are acceptable.

Other matters

12. The increase in dwellings could result in likely significant effects on the Dorset Heaths Special Areas of Conservation and Dorset Heathlands Special Protection Area and Ramsar Site. However, under Article 3(1) of the GPDO, permission is given subject to the provisions of Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017. Such, effectively, places a pre-commencement condition on any approval that the Local Planning Authority must undertake an appropriate assessment of the implications of the development for the European Sites. My decision on this appeal is without prejudice to any future decision in respect of these matters.

Conditions

13. The GPDO provides that development must be carried out in accordance with the details submitted and approved. There is, therefore, no need for a specific plans condition. However, to ensure that adequate facilities are available for future residents and to mitigate the transport and highway impacts arising from a lack of residents parking, a condition is necessary to secure cycle parking for the residential units.

14. Whilst it would be possible to secure a loading bay at the rear of No.293, it is unlikely to be used in connection with the retail unit due to its distance from the frontage. Prior approval is not dependent upon its existence and, therefore, I have not imposed a condition to secure it.

Conclusion

15. For the reasons given above, I conclude that the appeals should be allowed.

M Bale

INSPECTOR