

PLANNING COMMITTEE



Application Address	6 St Georges Avenue, Poole, BH12 4ND
Proposal	Change of Use of land from residential garden associated with 6 St Georges Avenue C3 to staff amenity space/garden for Charles Trent Limited (CTL)Sui Generis
Application Number	APP/19/00770/F
Applicant	Charles Trent Limited
Agent	Ken Parke Planning Consultants
Date Application Valid	25 July, 2019
Decision Due Date	19 September, 2019
Extension of Time Date (if applicable)	
Ward	Newtown & Heatherlands
Report status	PublicGrant with Conditions
Meeting date	31 October 2019
Recommendation	Grant in accordance with the recommendation in the report
Reason for Referral to Planning Committee	This application is brought before committee at the request of Cllr Mrs Haines due to concerns about the character and appearance of the area; vehicular access to the site; the impact on neighbouring amenity; and the planning history.
Case Officer	Sarah Scannell

Description of Development

1. Planning consent is sought for the change of use of land from residential garden associated with 6 St Georges Avenue C3 to staff amenity space/garden for Charles Trent Limited (CTL) (aka 'Trents') Sui Generis. (Retrospective).

Key Issues

2. The principal issues for consideration in this case relate to-
 - the character and appearance of the area;
 - residential amenity.
3. These points will be discussed as well as other material considerations below.

Planning Policies

4. Poole Local Plan 2018

PP1 Presumption in Favour of Sustainable Development
PP9 Urban Allocations Outside the Town Centre
PP16 Employment Areas
PP27 Design

5. National Planning Policy Framework (February 2019)

Relevant Planning Applications:

6 St Georges Avenue

6. **2017:** Change of use from residential garden to overspill car park for adjoining office staff only. (APP/17/01169/F). **Refused** for the following reasons:
 1. The proposal would fail to respect or protect residential amenities by eroding garden space where it currently provides an important buffer and haven for residents in an area where commercial and residential uses co-exist. The loss of garden, together with the toing and froing of cars to an area abutting gardens would create noise and disturbance where residents could reasonably expect some relief from traffic and commercial activity. Therefore the proposal would be contrary to the provisions of Policies PCS23 of the Poole Core Strategy adopted 2009, and DM1v of the Poole Site Specific Allocations and Development Management Policies adopted 2012.
 2. The applicant has failed to demonstrate a satisfactory car parking layout and the proposal fails to demonstrate an overriding need for the car parking or how other sustainable modes of transport have been promoted. Therefore, the proposal is contrary to PCS15 of the Poole Core Strategy adopted 2009, and DM8 of the Poole Site Specific Allocations and Development Management Policies adopted 2012.

8-10 St. Georges Avenue/ rear of

7. **2004:** Use of land for the storage of motor vehicles for resale, reception and treatment of scrap motor vehicles and temporary storage of decontaminated scrap motor vehicles. (Retrospective Application). (04/01499/024/C). **Granted** with conditions including that the use permitted shall not operate and no deliveries taken at or despatched from the site otherwise than on Mondays to Fridays inclusive, 08:00 to 12:00 on Saturdays, and not at any time on Sundays, Bank and other national Public Holidays.

568/578 Ringwood Road (Land further north east)

8. **1992:** Cleud Application for use of the site as a scrapyard **Granted:** That use of the entire site as a scrapyard and buildings and parking ancillary to scrapyard use has been in operation for over 10 years) (10434/7).

CTL, 580 Ringwood Road

9. **Current application:** Demolish existing buildings (inc 12 St Georges Ave) and erect industrial building for vehicle disassembly. New entrance gates and improvements to Calluna Road and St Georges Ave. (APP/18/01571/F).
10. **17/05/2019:** Lawful Development Certificate for operations comprising the siting of car storage racks (APP/19/00058/J). **Refused** for the following reason:

As a matter of fact and law, and by virtue of their significant size, permanence and degree of physical attachment, the car storage racks constitute buildings and a building operation as defined under sections 55(1A) and 336 of The Town and Country Planning Act 1990 and therefore constitute development.

Representations

11. Letters were sent to neighbouring properties and a site notice was erected nearby.
12. Objections were received from a neighbour, Councillor Haines and Society for Poole on the following grounds:
- intensification of industrial use would exacerbate impact on residential amenity. Previous application for use of garden for parking refused on grounds of harm to residential amenity.
 - proposal would further erode residential character.
 - proposal is a material change of use contrary to planning statement.
 - proposal would extend industrial permitted development rights closer to dwellings and potentially allow for storage of scrap and manoeuvring of cars on the site in future.
 - proposal would be contrary to policies PP9, PP17, PP27 and PP28 and Human Rights Act.
 - various inaccuracies in application.
 - no pre-application discussion.
 - incorrect certificate provided as notice was served on owners of property c/o the applicant.

Consultations

13. BCP Highway Authority: **No objection** as proposal unlikely to give way to significant highway safety issues.

Constraints

14. No.6 and other residential properties on St Georges Avenue are within an area allocated under PP9 (U15) for the 'redevelopment of employment uses to provide approximately 40 homes that reinforce the residential frontage to

Old Wareham Road and Ringwood Road'. The allocated area extends onto roads off Old Wareham Road and Ringwood Road as is the case with the application site.

15. Trents is within an Existing Employment Area (PP16) which bounds the site.

Planning assessment

Site and Surroundings

16. The application site relates to a parcel of land of approximately 166sqm which was, until recently, part of the rear garden of a bungalow at No.6 Georges Avenue. A relatively small timber shelter has been erected on a paved area with two picnic tables and attached seating. Paving has been laid around the perimeter and the rest is lawned. A tall fence and/or block wall separates the site from the remaining garden of No.6 and Trents, a car dismantling business to the north. There are pedestrian gates providing access from the garden of No.6 and from Trents into the severed parcel of land. The front of No.6 St Georges Avenue is a hard-surfaced parking area.
17. CTL ('Trents') occupy a relatively large part of the block with accesses onto St Georges Avenue, Ringwood Road and Mannings Heath Road. On their wider site there are relatively large warehouses and two storey buildings used for dismantling, storage and sales. There is a large number of vehicles/ parts thereof stored externally including cars stored on racking 3-5 cars/ vans high to the north east of the application site. 'Trent House' a two storey, flat-roofed office building and associated parking is to the north west.
18. Surrounding development is in a mixture of uses comprising residential, industrial and other commercial uses. No.4 St Georges Avenue to the south east is also a bungalow with a mixture of tall trellis fencing, close boarded fencing and vegetation bounding the remaining garden of No.6 and the severed parcel.

Key issues

Background

21. The cover letter submitted with the application states that:
- the applicants do not consider there has been a material change of use but have agreed to make a planning application without prejudice to this position.
 - the site is being used by Trents' staff and 'is now part of [Trents'] site.'
 - the use will be limited to that of a garden/ external seating area and will not be used for any other purpose.
 - that use is less intensive than that of a residential garden as it is used for short periods of the day, around lunch time, when some of the office staff sit out. This is a quiet activity.
 - a residential garden can be used much more frequently and intensively, particularly by families with children.
 - normal residential activities such as lawn mowers or children playing are not regarded as sources of noise nuisance.
 - there is no source of noise to measure and an acoustic report is therefore not required, particularly given the very high background noise levels.
 - the proposal does not present the same issues as under the previous

refusal as there would be no car parking.

22. The National Planning Practice Guidance states that "a change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case."

23. The site is physically divided from the remaining garden of No.6 by a tall fence. Although there is a gate to the remaining rear garden of No.6, the site appears to be accessible to CTL staff during working hours via a separate gate from that site. It is understood that CTL operates six days a week (with reduced services on Saturdays). There is no suggestion in the cover letter that use of the site by staff and the residents of No.6 is interchangeable. As outlined above, the cover letter states that the site is now considered part of CTL's site (by the applicant). It appears that the site is essentially being used as an amenity area for Trents and is no longer part of the residential curtilage of No.6. It is understood that at least one of the current occupants of No.6 is related to the owners of the CTL' business and works for them. Notwithstanding that, the use of the site by general employees is not dependent on the residential use of No.6. These factors are indicative of a material change of use and the outward effects are discussed below.

24. Although the term 'sui generis' is specified in the development description, the proposal would be ancillary to the commercial operation at CTL as a staff amenity space.

The character and appearance of the area

25. PP27 states that development will be permitted where it reflects or enhances local patterns of development including in terms of layout, siting, height, scale, materials, landscaping and visual impact; and responds to natural features on the site and does not result in the loss of trees which make a significant contribution.

26. As outlined above, No.6 St Georges Avenue is inside the boundary of an area allocated under PP9 (U15) for the 'redevelopment of employment uses to provide approximately 40 homes that reinforce the residential frontage to Old Wareham Road and Ringwood Road'. The allocated area extends onto adjoining roads as is the case with the application site.

27. In the wider area, the site retains the appearance of an enclosed garden space. No plans have been provided for the lean-to timber shelter however it is relatively minor in scale and does not appear to be fixed to the ground. There is a reasonably mature tree in the rear garden of No.4 which partially overhangs the site and is visible from surrounding roads however this is not protected and could be cut back by the owners of No.6. The fencing separating these two sites has been retained and the area of paving along the boundary is relatively minor. There is no harm to visual amenity arising from the development.

28. The proposal would significantly reduce the garden originally associated with No.6. The character of the area is varied as outlined above with numerous industrial, other commercial and residential uses in close proximity. Residential gardens of dwellings in the immediate area are relatively uniform and the remaining garden of No.6 would be significantly smaller. No.6 is one of a cluster of residential properties

(four bungalows and a block of flats fronting onto St Georges Avenue). The residential character of the area is currently undermined by interspersed commercial uses, an issue which PP9 seeks to address. Notwithstanding that, conditions can be attached to prevent use of the parcel of land other than as an external amenity area for staff and to remove non-residential permitted development rights which would allow buildings to be erected closer to the dwellings and public realm than is currently the case. The frontage of the site would not be affected. While this issue would need to be carefully considered in the context of future proposals for the site and adjoining residential properties, on balance, the proposal would not result in material harm to the residential character of the area or undermine the residential frontage of the area and would therefore not be contrary to PP27 or PP9 in these respects.

Residential amenity

29. PP27 states that development will be permitted where it is compatible with surrounding uses and would not result in a harmful impact on amenity for local residents and future occupiers in terms of sunlight, daylight, privacy, noise and whether it would be overbearing/ oppressive; and provides satisfactory external and internal amenity space for existing and future occupants.

30. The NPPF states that planning decisions should provide attractive, welcoming and distinctive places to live and visit; create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (para.127).

31. The proposal would result in benefits to staff wellbeing as it would provide a convenient external seating area with some shelter and vegetation in an otherwise stark work environment. The CTL site is nevertheless extensive and this facility could readily be accommodated elsewhere within their landholding.

32. The proposal would result in a much smaller garden for the occupants of No.6. However, at approximately 80sqm, it would provide a sufficient amount of external amenity space. There is relatively dense vegetation and a tall fence along the boundary with No.4 which provide sufficient screening. This property has a sizeable garden. The ground levels of the site are relatively flat and would not facilitate material overlooking of No.6 or No.4. The amenity of occupants of these properties is already constrained by the proximity to various established commercial uses, particularly CTL: CTL's office building to the north west has numerous first floor windows which face the patio areas of No.6 and No.4 over a relatively short distance; the garden of No.6 immediately abuts staff car parking; there are cars stored externally on racking (up to 5 cars high) at relatively close proximity to the north and north east; and there are various noisy activities associated with the movement and dismantling of vehicles on the site. A number of these impacts are symptomatic of having residential and industrial uses side-by-side. The loss of part of the garden, which acts as buffer, could further erode this constrained residential environment as the application site could accommodate a relatively large number of employees at any one time and a condition limiting the number of people or noise levels would not pass the tests for conditions under the NPPF. Notwithstanding that, the proposal would not result in readily demonstrable or quantifiable harm to residential amenity and a refusal of planning permission could not be substantiated at this stage. A temporary planning permission of one year would allow the impact to be monitored. Conditions limiting use of the site to a staff amenity area between the hours of 9-5 Monday to Saturday and not at any time on Sundays or bank holidays is merited as ambient noise levels are lower outside these hours and residents are

more typically at home relaxing/ sleeping. Conditions preventing vehicular access to the site and the erection of buildings on the site or closer to it than allowed under existing permitted development rights are merited in the interests of neighbouring amenity as is a condition retaining a tall boundary treatment around the site.

33. The proposal would not result in material harm to other residential properties in the area taking into account, cumulatively, the separation distance involved and higher ground levels and boundary treatments to the east.

Further matters

34. The Council has had regard to the Human Rights Act 1998 in coming to the conclusion reached.

35. Conditions are attached to prevent vehicular access to the site and its use other than as a staff amenity area. The proposal would be likely to increase pedestrian movements in the vicinity however there are regular pedestrian and vehicular movements on the CTL's site given the nature of the business and this is in the applicant's interest to manage. There would be no significant highway safety implications from the proposal.

36. PP28 relates to flatted development and residential proposals for plot severance and is not applicable in this case.

Summary

37. The proposal would-

- result in severance of a residential garden and constitutes a material change of use.
- not result in material harm to visual amenity or the residential character/ frontage of the area on balance.
- result in benefits to staff welfare, but these could potentially be accommodated elsewhere within the extensive landholding.
- not result in readily demonstrable or quantifiable harm to residential amenity. A temporary consent would nevertheless allow this situation to be monitored.
- not compromise highway/ pedestrian safety.

Planning balance

38. The proposal could undermine a poor residential environment but a level of harm is not readily demonstrable or quantifiable subject to the control of use of the site and the removal of permitted development rights by condition. A temporary permission of one year would reasonably allow the impact to be monitored.

Conclusion

39. The application is recommended for approval.

RECOMMENDATION

It is therefore recommended that this application be Granted permission with the following Conditions, which are subject to alterations / addition by the Head of Planning Services providing any alteration / addition does not go to the core of the decision.

Conditions

1. AA01 (Non standard Condition)

This permission shall expire at the end of a period of 1 year from the date of this decision notice. At the end of this period, use of the site other than as part of the residential curtilage of No.6 St Georges Avenue shall cease immediately and pedestrian access to the site from land within the blue line boundary shall be permanently blocked off.

Reason -

In the interests of enforceability and to enable the Local Planning Authority to review the situation at the end of the period in the interests of residential amenity in accordance with Policy PP27 of Poole Local Plan 2018 and the NPPF 2019.

2. PL01 (Plans Listing)

3. RC060 (Limitation on Use)

Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 and The Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactments thereof, the site shall not be used other than as part of the residential curtilage of No.6 St Georges Avenue or as a staff amenity area for the adjoining commercial use within the blue line boundary (currently known as CTL) and for no other purpose whatsoever without formal planning permission first being obtained.

Reason -

To enable the Local Planning Authority to have control over the use of the site in the interests of residential amenity in accordance with Policy PP27 of Poole Local Plan 2018 and the NPPF 2019.

4. RC070 (Restriction on Hours of Use/Deliveries)

The site shall not be used as a staff amenity area outside the hours of 09:00 and 17:00 Monday to Saturday inclusive and not at any time on Sundays or bank holidays.

Reason: To prevent use of the site for non-residential purposes when ambient noise levels are lower and residents are more typically at home relaxing/sleeping and in accordance with Policy PP27 of Poole Local Plan (2018) and the NPPF (2019).

5. AA01 (Non standard Condition)

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning Act 1990 or any subsequent re-enactments thereof, there shall be no vehicular access to the site and the existing boundary treatments shall be retained, in situ, to a height of at least 1.8m unless details of a suitable replacement are submitted to and agreed in writing by the Local Planning Authority.

Reason -

In the interests of pedestrian safety and residential amenity in accordance with Policies PP27 and PP35 of Poole Local Plan 2018 and the NPPF 2019.

6. AA01 (Non standard Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or the Town and Country Planning Act 1990, or any subsequent re-enactment thereof, no buildings or extensions shall be erected on the application site; on land within the blue line boundary where such development would be within 5m of the application site; or on land within the blue line boundary where such development would be within 10m of the application site and exceed 5m in height.

Reason -

To prevent the extension of non-residential permitted development rights to a wider area to the detriment of residential and visual amenity in accordance with Policy PP27 of the Poole Local Plan (November 2018).

Informative Notes

. IN72 (Working with applicants: Approval)