



Application Address	134 High Street, Poole, BH15 1DN
Proposal	Change of Use of part ground floor, part first floor, and second and third floors from D1 Use to create 6no. flats (C3 Use)
Application Number	APP/19/01563/F
Applicant	Myddelton & Major
Agent	Simpson Hilder Associates
Date Application Valid	20 January, 2020
Decision Due Time	29 May, 2020
Extension of Time date (if applicable)	29 May, 2020
Ward	Poole Town
Recommendation	Grant in accordance with the Recommendation in the report
Reason for Referral to Planning Committee	This application is brought before committee because the Head of Planning does not consider it prudent to exercise delegated powers because of the Transportation issues raised by the proposals.
Case officer	Monika Kwiatkowska

Description of Development

1. Planning consent is sought for a change of use of part ground floor, part first floor, and second and third floors from D1 Use to create 6no. flats (C3 Use)

Key Issues

2. The main considerations involved with this application are:
 - The principle of development and policy context
 - Impact on the character and appearance of the Town Centre Heritage Conservation Area, including that of the locally listed building
 - Impact on the neighbouring amenity
 - Impact on highway safety and parking provision
 - Implications of the proposal within the future flood zone
 - Sustainability Issues
 - Biodiversity issues

- SAMM and CIL Compliance

3. These points will be discussed as well as other material considerations below.

Planning Policies

4. Poole Local Plan 2018

PP01 Presumption in Favour of Sustainable Development
 PP02 Amount and Broad Location of Development
 PP03 Poole Town Centre Strategy
 PP06 High Street, Quay and Old Town
 PP07 Facilitating a Step Change in Housing Delivery
 PP08 Type and Mix of Housing
 PP26 Sports, recreation and community facilities
 PP27 Design
 PP28 Flats and Plot Severance
 PP30 Heritage Assets
 PP31 Poole's Coast and Countryside
 PP32 Poole's Nationally, European and Internationally Important Sites
 PP33 Biodiversity and Geodiversity
 PP34 Transport Strategy
 PP35 A Safe, Connected and Accessible Transport Network
 PP37 Building Sustainable Homes and Businesses
 PP38 Managing Flood Risk
 PP39 Delivering Poole's Infrastructure

5. Poole Quays Forum Neighbourhood Plan (adopted February 2017):

PQF03 High Quality Design
 PQF08 Creating a More Vibrant High Street During the Day and Night
 PQF09 The layout and appearance of Poole High Street

6. Supplementary Planning Documents

Parking and Highway Layout in Development SPD (Adopted July 2011)

The Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted March 2020)

Nitrogen Reduction in Poole Harbour SPD

Poole Harbour Recreation 2019-2024 Supplementary Planning Document (SPD)

Town Centre Heritage Conservation Area Appraisal and Management Plan SPD (2015)

7. National Planning Policy Framework (February 2019)

Relevant Planning Applications and Appeals:

2017: Elevational alternations. **Approved.** (APP/17/01116/F).

2017: Subdivision of ground floor to create two A3 retail uses; New shopfront/entrance doors to retail unit 2; New entrance to upper floors off North Street; New doors to rear service yard area; and Change of use of part ground floor & upper floors to D1 (Place of Worship) with ancillary office space. **Approved. (APP/17/00212/F)**

2017: Shopfront alterations (front and side elevations) and 2 No. condenser units. **Approved. (APP/17/00407/F)**

2017: Prior Approval application for the conversion of B1 offices on upper floors to residential. **Withdrawn** prior to being determined. **(APP/17/01120/PA)**

Representations

8. A representation has been received in which the following concerns are expressed:

- the increased traffic in the area caused by additional car ownership associated with the flats
- the increased air pollution associated with the additional car journeys

Consultations

9. BCP Highways Authority - objects to the proposal on the grounds of highway safety arising from the lack of car parking to serve the proposed flats
10. Environment Agency - supports the proposal
11. BCP Waste Collection Authority - supports the proposal

Constraints

12. No 134 High Street is a locally listed building within the Town Centre Heritage Conservation Area.
13. The site forms part of the Town Centre Primary Retail Frontage; is located within an area at risk of future flooding; and is in the area covered by the Poole Quays Forum Neighbourhood Plan.

Planning assessment

Site and Surroundings

14. The application site is occupied by a prominent 2 and 4-storey locally listed building at the corner of High Street and North Street, within both the pedestrianised area and the Town Centre Heritage Conservation Area. A service area to the rear is accessed from Vanguard Road and there is also pedestrian from North Street. The site forms part of the Town Centre Primary Retail Frontage identified by the Poole Local Plan.

15. The building was previously occupied by a fast-food outlet and a cafe. Planning permission was granted in 2017 (APP/17/00212/F) for D1 use (Non Residential Institutions) on the upper floors and the Church of Scientology now occupies part of the first floor. The remaining upper floors have remained vacant. There is an A3 unit (Café 1) on the ground floor, fronting High Street.
16. A second ground-floor unit to the rear of the building is also occupied by the Church of Scientology, albeit without the benefit of planning permission for the change of use from Class A3 to Class D1 use that this represents.
17. Surrounding properties are predominantly commercial and retail although there are some residential buildings and residential use of upper floors. There are several listed and locally listed buildings in the immediate vicinity.

Key issues

The principle of development and policy context:

18. Policy PP06 of the Poole Local Plan aims to support the vibrancy of the High Street and make use of upper floors and the rear of commercial properties for new homes. This is reflected in Policy PQF8 of the Poole Quays Forum Neighbourhood Plan, which encourages redevelopment of under-utilised sites for mixed use development to include a proportion of high quality residential floor space on the upper floors to assist in re-connecting Lagland Street with the High Street.
19. Policy PP02 states that the majority of new housing should be directed to the most accessible locations within Poole. These are the town centre, district and local centres and sustainable transport corridors which connect the town centres with local centres and provide bus services, cycling and walking facilities, enabling the residents to access key facilities and services without needing to travel by car. The application site falls within the Town Centre, sequentially the most sustainable location within this hierarchy.
20. The proposed conversion of the upper floors of the building into six flats, with their service access; bin storage; and cycle store on the ground floor is therefore in accordance with the provisions of Policies PP06; PQF8; and PP02.
21. Policy PP26 of the Poole Local Plan states that the Council seeks to retain sites currently or last used as community facilities. These include, among others, places of worship (D1 use).
22. Planning permission was granted in 2017 for a change of use of all upper floors to Class D1 use and this includes use 'for or in connection with public worship or religious instruction'. The Church of Scientology occupies part of the first floor, towards the rear of the site, and would not be affected by the proposals. The remaining upper floors have remained vacant and have never been occupied by any Class D1 use. The proposals therefore comply with the provisions of Policy PP26.

23. The proposed scheme would bring currently vacant parts of the building into active use; providing 6 flats whilst retaining the existing D1 and A3 uses and continuing their contribution to the vitality of the High Street, in line with the adopted policies.

Impact on the character and appearance of the Town Centre Heritage Conservation Area and the locally listed building:

24. Policies PP28 and PP27 of the Poole Local Plan seek to ensure that all new development reflects the character of its setting and achieves a good standard of design and Policy PP30 states that the Council will expect development to preserve or enhance the historic, architectural and archaeological significance of heritage assets and their settings. Developments within conservation areas and affecting listed/locally listed buildings should enhance or better reveal the significance and value of the site within the street scene and wider setting and should seek to retain buildings that make a positive contribution to the conservation area.
25. The Town Centre Heritage SPD identifies weaknesses and threats to the character of the High Street, including poor quality maintenance of building fabric and the increase in vacant commercial units.
26. No 134 High Street is an attractive Victorian building and is a prominent feature of the Town Centre Heritage Conservation Area, due to its siting, scale and design. The Town Centre Heritage SPD states that it is a notable Italianate corner building in a key focal point; one of a number of 'good buildings from the Victorian period'; and a historic building of significance which contributes to the strong character of this part of the High Street. It is locally listed, due to its architectural interest.
27. The addition of 4th. floor dormer windows to the roof and the other proposed alterations to windows have all previously been approved under planning permission APP/17/01116/F. These alterations and additions were considered to respect and preserve the appearance of the locally listed building and would provide additional windows to habitable rooms within the proposed flats. The proposals also include lowered cill heights of three windows in the first-floor side (south-west) elevation and replacement windows, designed to replicate the appearance of the existing windows, to improve the energy efficiency of the flats. All of these proposed works would preserve and enhance the appearance of the locally listed building and its contribution to the character and appearance of the Conservation Area.
28. The proposed internal bin store and cycle store would be located to the rear of the building and would have no impact on the appearance of the building.
29. The proposals would enhance the setting of the Poole Town Centre Heritage Conservation Area and respect the appearance of the locally listed building, in accordance with Policies PP27 and PP30 of Poole Local Plan, the policies of the Poole Quays Forum Neighbourhood Plan and the Town Centre Heritage Conservation Area Appraisal and Management Plan SPD.

Impact on the neighbouring amenity:

30. There are residential properties at the opposite side of North Street but the proposed scheme would not result in material harm to the amenities of any neighbouring properties by reason of loss of light or outlook.
31. The proposed new windows to the side and front elevations would contribute to the mutual level of overlooking which is already established between the buildings but not such as would be materially harmful to the occupants of any other nearby shops, offices or homes.
32. The proposed flats would have no material impact on the church premises occupying the ground and first floors. Similarly, the activities associated with the established A3 and D1 uses on site would not materially harm the amenities of the prospective occupiers of the proposed flats. The relationship between the commercial and other uses and the proposed residential development would not be unusual in the Town Centre.
33. Given the town centre location and ready access to many services, facilities and leisure and recreation opportunities, the proposed scheme would provide an acceptable standard of amenity for the future occupants of the proposed flats.

Impact on highway safety and parking provision:

34. The proposed cycle parking to serve the six flats would accommodate six bikes. This is acceptable and can be secured by condition (#3). No car parking provision is proposed to serve the flats since the building occupies the whole of the application site.
35. The BCP Highway Authority had advised that five parking spaces would be required to meet the Council's adopted standards for the proposed flats and that the proposals would therefore result in a parking shortfall.
36. The application site is in the town centre within walking distance of the mainline railway and bus stations; shops; and other leisure and recreation facilities and close to cycle routes. Notwithstanding its highly sustainable location, the Highway Authority had advised that Poole has one of the highest household car ownership levels in the UK and that there is relatively high existing demand for parking in the area. The Council's Parking SPD car parking requirements are in any case zonal and are therefore already adjusted for the sustainability of the location. The lack of on site parking provision on site could therefore result in drivers taking short term parking risks; parking in inconsiderate locations; drivers trawling the streets looking for parking spaces; and increased vehicle manoeuvring onto the highways adjacent to the site. The proposals could therefore reduce highway safety in the area. The Highway Authority therefore recommended refusal of the proposed scheme as contrary to Policies PP27 and PP35 of the Poole Local Plan.
37. The NPPF seeks to promote sustainable development and includes the environmental objective of seeking to "contribute to protecting and enhancing the

natural, built and historic environment; including making effective use of the land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including to a low carbon economy” (paragraph 8c). The proposals would potentially deliver development which could help reduce pollution and vehicular movements in Town Centre and promote more sustainable modes of transport as a response to climate change.

38. Whilst the prospective occupiers of the flats could not be prevented from owning a car, the proposals would make this less convenient and would encourage alternative modes of transport. In this respect the proposals are similar to other homes on High Street, where limited or zero on-site parking provision is typical. There are nevertheless public car parking opportunities close to the application site. Moreover, both the potential for trip generation and car parking requirements associated with six flats are likely to be less than those associated with the converted floor space were it to instead be occupied by Class D1 users, which might include medical services; day nurseries; and for the provision of education.
39. The environmental, social and economic benefits of the proposed scheme would therefore, on balance, outweigh the lack of on-site parking in this particular case.

Implications of the proposal within the future flood zone:

40. The application site is not currently at risk of flooding, but is within an area at risk of future flooding and could be subject to flooding over the life of the development. The town centre has however been identified as appropriate for increased development due to its sustainability and the expectation of flood defences. The building has a ground floor entrance at 2.4m AOD with all of the proposed habitable accommodation being at or above the first floor level of 6.5m AOD. Flood resiliency measures would be required up to 3.6m AOD and these can be secured by condition (#4) to ensure that the proposals would comply with the provision of Policy PP38 of the Poole Local Plan.

Sustainability Issues:

41. It will be possible for the proposed development to incorporate renewable energy equipment to provide 10% of estimated energy use in accordance with PP37. This can be secured by condition (#5).

SAMM and CIL Compliance:

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Flats	Existing	0	@ £269	@ £96
	Proposed	6		
	Net increase	6	£1614	£576
Total Contributions			£1614 (plus admin fee)	£576 (plus admin fee)
CIL	Zone A		@ £230sq m	

42. Mitigation of the impact of the proposed development on recreational facilities; Dorset Heathlands and Poole Harbour Special Protection Areas; and strategic transport infrastructure is provided for by the Community Infrastructure Levy (CIL) Charging Schedule adopted by the Council in February 2019. In accordance with CIL Regulation 28 (1) this confirms that dwellings are CIL liable development and are required to pay CIL in accordance with the rates set out in the Council's Charging Schedule.
43. The site is within 5km (but not within 400m) of Heathland SSSI and the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their impact upon the Heathland. As part of the Dorset Heathland Planning Framework a contribution is required from all qualifying residential development to fund Strategic Access Management and Monitoring (SAMM) in respect of the internationally important Dorset Heathlands. This proposal requires such a contribution, without which it would not satisfy the appropriate assessment required by the Habitat Regulations
44. In addition, the proposed net increase in dwellings would not be acceptable without appropriate mitigation of their recreational impact upon the Poole Harbour SPA and Ramsar site. A contribution is required from all qualifying residential development in Poole to fund Strategic Access Management and Monitoring (SAMM) in respect of the internationally important Poole Harbour. This proposal requires such a contribution, without which it would not satisfy the appropriate assessment required by the Habitat Regulations.

45. The applicant has submitted a Section 111 form and has paid the relevant contributions towards Dorset Heathlands and Poole Harbour Recreation SAMM.

Summary and Planning Balance

46. The proposals would provide six flats in a highly sustainable Town Centre location in a manner which would respect the appearance of the locally listed building and the streetscene, preserving and enhancing the character of the Town Centre Heritage Conservation Area. Vacant floor space within the town centre would be brought back into active use, contributing to the vitality of High Street and the Town Centre whilst also retaining the church and cafe uses already in the building and maintaining the amenities of the occupants of these and of other nearby residential; retail; and commercial units. The proposal could also contribute to tackling climate change by reducing the carbon footprint and pollution from vehicular movements in the town centre where access to sustainable modes of transport is both convenient and encouraged.
47. The proposals would nevertheless also result in a shortfall of car parking on site, which could give rise to increased highway safety dangers; impact on the flow of traffic; and increased congestion in the vicinity of the site
48. Given the heritage and environmental merits of the proposals, as set out above, and that they could help deliver the economic; social; and environmental objectives of sustainable development, in line with the adopted Local Plan policies and the provisions of the NPPF then, notwithstanding the identified shortfall in car parking provision and the identified consequences of that, the proposals are recommended for approval.

RECOMMENDATION

GRANT permission with the following conditions, which are subject to alteration/addition by the Head of Planning and Building Control provided any alteration/addition does not go to the core of the decision and the completed S111 agreement:

1. GN150 (Time Expiry 3 Years (Standard))
2. GN040 (Match Materials to the Existing Building)
3. HW110 (Cycle Provision)
4. AA01 (Non standard Condition)
Construction works shall be undertaken in accordance with the approved plans and details of preventive flood resilience measures contained in the section 9.05 of the Design and Access Statement (Issue 5, received 14/02/20).

Reason -

In order that the Council is satisfied with the details of the proposal having regard to the existing and adjacent site levels and in accordance with Policy PP38 of the

Poole Local Plan (November 2018).

5. GN162 (Renewable Energy - Residential) (10%)

6. PL01 (Plans Listing)

7. GN120 (Storage of Refuse)

Informative Notes

1. IN72 (Working with applicants: Approval)

3. IN74 (Community Infrastructure Levy - Approval)

4. IN81 (SMM Approval)

5. IN84 (AA passed)

6. IN00 (Non Standard Informative)

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. The applicant is referred to the Environment Agency's Pollution Prevention Guidelines, which can be found at:
<https://www.gov.uk/guidance/pollution-prevention-for-businesses>

7. IN00 (Non Standard Informative)

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on the environment Agency's website
<https://www.gov.uk/how-to-classify-different-types-of-waste>