



Appeal Decision

Site visit made on 27 February 2018

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th April 2018

Appeal Ref: APP/Q1255/W/17/3180900 1-3 Commercial Road, Poole BH14 0HU

- 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 Chessland Estates against the decision of Poole Council.
 - The application Ref APP/16/01862/F, dated 20 December 2016, was refused by notice dated 23 June 2017.
 - The development proposed is to demolish existing buildings and erect 80 residential units with associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing buildings and erect 80 residential units with associated access and parking at 1-3 Commercial Road, Poole BH14 0HU in accordance with the terms of the application, Ref APP/16/01862/F, dated 20 December 2016, subject to the conditions set out in the Annex to this decision.

Procedural matter

2. The appellants have submitted a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 which makes provision for the payment of a sum of money towards Strategic Access Management and Monitoring. The Council has confirmed that this addresses the relevant reason for refusal, and on the basis of the information before me, I consider that the obligation complies with the Community Infrastructure Levy Regulations 2010 and the requirements of the National Planning Policy Framework. I shall therefore not deal with this matter further.

Main Issue

3. Accordingly, the main issue is whether the proposal would preserve or enhance the character or appearance of the Poole Park Conservation Area, the effect on the character and appearance of the wider area and the effect on the significance of The Sloop, a locally listed building.

Reasons

4. The site occupies a prominent position on the southern part of a small island of commercial buildings, surrounded by roads, just to the north of Poole Civic Centre and Commercial Road, the A35 east-west corridor. The easternmost part of the site, containing the former bank building, lies within the northernmost part of the Poole Park Conservation Area. The Sloop, a two storey public house abuts the site to the east, whilst a bus lane and bus stops,

together with a landscaped area containing a locally listed ornamental clock tower lie to the west. This provides a considerable degree of openness, resulting in the southern part of the site being highly prominent in views from the roads leading from the north-west and south-west.

5. The A35 is a major route within the town, and Bournemouth and Poole College lies to the north of the site. It is common ground between the main parties that there is a good deal of pedestrian traffic in the vicinity of the site. The site is in full view of passers-by, and can also be seen in longer distance views, particularly from the west.
6. The site is mainly in use for car sales. The locally listed former bank building, of an age and design in keeping with the older civic buildings and the clock tower to the west, is the only building of any architectural merit on the site. The rest of the single storey buildings, the open car parking area and the car sales display have a generally poor appearance, at odds with that of the conservation area, and the wider locality. The redevelopment of the site offers a clear potential to improve the appearance of the area.
7. A material consideration is the previous grant of planning permission in March 2016 for the redevelopment of the site for 50 residential units and retail space, with associated access and parking (Ref: APP/15/01360/F). However, the appellants have indicated that that scheme would not be viable, and the permission has now expired. However, the Council's previous endorsement of the scheme is a material factor, and the officer's report indicates that there are no material considerations which would justify a different decision were it to come forward again.
8. The proposed scheme is broadly similar to the design of the previously approved scheme. A key feature of the development would be the incorporation of the Art Deco façade of the locally listed former bank into the centre of the front part of the building, opposite the clock tower. The proposal would provide six storeys towards the front part of the site, an additional storey compared to the former scheme, but would be less than a metre higher than the highest point, and the upper two storeys would be slightly recessed from the front elevation.
9. I consider that because of the prominent position of the site, between two roads and with ample space around it, the heights proposed are appropriate, and would not be so different from the previously approved scheme as to result in harm to the area's character and appearance. The nearest building, the corner of the civic buildings, would be some distance away. There would also be sizeable gaps between the proposed building and the parade of shops on Parkstone Road to the west, and the college to the north. A six storey height at the western end of the site would provide a strong focal point with an interesting design which relates well to the nearby civic buildings, and, with the incorporation of the bank façade, pays due regard to the special interest of the conservation area. Having regard to the current poor appearance of the site, I consider that the proposal would enhance the character and appearance of the conservation area and the setting of the clock tower.
10. The building would step down in height towards the rear of the site, to five storeys and then four storeys near the boundary with The Sloop Public House, which is a two storey building, with a single storey annex closest to the site boundary. The Sloop is a locally listed brick building, which lies outside of the

conservation area. It features some attractive architectural features, typical of good quality Victorian buildings, but its main facades are those on the south and east facing elevations. The west and north facing elevations, which would more closely relate to the proposed building, are of lesser importance, displaying fewer features of interest. It relates poorly to surrounding buildings, and stands somewhat isolated.

11. Despite the difference in the number of storeys between the four storey part of the proposed building and the single storey and two storey pub building, because of the flat-roofed design of the apartments and the rise in levels from west to east, the proposed building nearest to The Sloop would be about the same height as the ridge of the pub roof, and about 3m higher than the single storey ridge line. There would be a gap between the proposed building and the boundary with the pub buildings, which I consider to be sufficient to preserve a suitable setting for the pub, and to ensure that the proposed building would not be unduly domineering. I also consider that in respect of the Commercial Road elevation, there would be little material difference between what is now proposed and what was previously approved.
12. In respect of the North Road elevation, the building would extend up to the boundary of the pub car park at 4 storeys high. The openness of the car park and beer garden provides a sufficient buffer between the proposed building and The Sloop to preserve its setting and to reveal its interest. I am therefore satisfied that the proposal would not result in material harm to this non-designated heritage asset. The fairly wide North Road, the footway and the front gardens of houses on North Road would provide a sufficient degree of separation for the height of the northern part of the block to sit satisfactorily in relation to the two storey houses along North Road.
13. The ground floor of the proposed building would be largely given over to undercroft car parking. Windows on the Commercial Road and North Road frontages would give passers-by views of parked cars and a gloomy parking area. There is also a risk that the windows would not be cleaned on as regular a basis as would domestic or retail windows, and this would not provide an interesting or vibrant appearance. Art deco styled railings in front of the windows are proposed along the North Road, which would provide a degree of interest, whilst lighting would be provided behind the arched windows on the Commercial Road frontage. Landscaped strips are also to be provided between the building and the footway on both street frontages. Good quality planting would make a significant contribution to the attractiveness of the development, which can be secured by condition.
14. Moreover, the building is not located in an area typified by interesting window displays. Whilst the shops and the commercial premises to the west of the site possess shopfronts providing visual interest to passers-by, they are of a different character from the larger scale buildings to the east. There, the greater interest is derived from the scale and design of the buildings when seen from further afield, so that the civic buildings, the college and buildings further to the east do not provide small-grained visual interest, but nonetheless contribute to a sense of identity. I therefore consider that the ground floor treatment, in the context of the design of the whole building, would be satisfactory.

15. The proposal would involve windows at first floor level that would be smaller than the ones in the upper storeys. The Council alleges that these would appear contrived and squashed, and I consider that this aspect of the proposal would not be entirely satisfactory, as the proportions of the first floor and the windows would not relate well to the design of the storeys above and below. However, this is just one aspect of the overall scheme, and when looked at as a whole, I consider that the proposal would make a positive contribution to the conservation area, respect its surroundings and represent good design. In this regard I note that Historic England commented that, if detailed correctly, the proposal would respond positively to the civic character of the conservation area. I agree with this assessment.
16. I therefore conclude on the main issue that the proposal would at least preserve the character and appearance of the Poole Park Conservation Area and would not result in harm to the character and appearance of the wider area or to the significance of The Sloop. It would not conflict with Poole Core Strategy Policies PCS5 and PCS23, which respectively deal with the broad locations for residential development, including design criteria, and local distinctiveness. Nor would it conflict with Policy DM2 of the Development Management Policies Policies, which deals with heritage assets.

Other matters

17. The proposed level of car parking falls short of the Council's standards. The Highway Authority has indicated that the shortfall would be acceptable in view of the provision of a car club space and the highway safety gains that would result from the closure of an existing access and the rationalisation of traffic arrangements. Whilst I recognise that the area is under pressure for on-street car parking, it is also on a bus route, and within walking distance of Parkstone railway station, which makes it suitable for those occupiers who may not own or have access to a car. A preclusion on the allocation of car parking spaces (other than disabled spaces) would also maximise the use of the spaces provided, and this can be secured by the imposition of a condition.
18. I have also had regard to concerns about traffic congestion, but the net increase in movements on what is a busy road would be unlikely to materially worsen the existing position.

Conditions

19. A condition to require the development to be carried out in accordance with the approved plans is needed to ensure certainty. In view of the previous use of the site, a condition to deal with potential ground contamination is needed in the interests of the health and safety of the intended occupiers. The submission of a scheme for sustainable drainage is required to ensure that the site is satisfactorily drained. It is necessary to secure alterations to highway arrangements and signage, and to ensure adequate visibility splays along with the closure of redundant access points, in the interests of highway safety. For the same reason, a condition to deal with temporary parking during construction is required. A condition dealing with the provision of car parking, turning space, cycle parking, bin storage and the allocation of parking spaces is needed in the interests of highway safety, the promotion of travel other than by car and, in respect of bin storage, to ensure that refuse is kept in an appropriate manner.

20. A construction method statement in respect of the retained façade is needed in the interests of character and appearance, as are conditions dealing with landscaping and external materials. A condition relating to on-site renewable energy is justified to comply with development plan provisions aimed at reducing greenhouse gas emissions. A condition to secure the provision of a car-club space within the development is also needed to justify the number of car parking spaces provided. I have amended the suggested wording of the condition to require that the car club be retained, unless after three years, the Council agrees that it can be discontinued, as merely requiring the car club to be retained for three years would run a risk that a useful and viable facility could be abandoned.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

ANNEX

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Block/ Location Plan Drawing No.PA02.1.A received 8th March 2017
 - Site Plan Drawing No.PA02.6.A received 8th March 2017
 - Lower Ground Floor Drawing No.PA02.7.A received 8th March 2017
 - Ground Floor Drawing No.PA02.8.A received 8th March 2017
 - First Floor Drawing No.PA02.9.A received 8th March 2017
 - Second Floor Drawing No.PA02.10.A received 8th March 2017
 - Third Floor Drawing No.PA02.11.A received 8th March 2017
 - Fourth Floor Drawing No.PA02.12.A received 8th March 2017
 - South Elevation Drawing No.PA02.13.B received 27th March 2017
 - South West Elevation Drawing No.PA02.14.B received 27th March 2017
 - North West Elevation Drawing No.PA02.15.B received 27th March 2017
 - East Elevations Drawing No.PA02.16.B received 27th March 2017
 - Internal Elevation 01 Drawing No.PA02.17.B received 27th March 2017
 - Internal Elevation 02 Drawing No.PA02.18.B received 27th March 2017
 - Street Elevation and Elevation Details 02 Drawing No.PA02.19.B received 27th March 2017
 - Facade Retention Details Drawing No.PA02.20. B received 27th March 2017
- 3) Prior to the demolition of any building on site, development on site shall proceed wholly in accordance with the requirements set out below:
 - Site Characterisation
 - a) An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site in relation to the intended use of the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority.
 - Submission of Remediation Scheme
 - b) If site characterisation identifies the need for remediation, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and controlled waters must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - Implementation of approved remediation scheme
 - c) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the local planning authority. Following completion of the approved scheme, a verification report that

demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.

Reporting of Unexpected Contamination

d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part (b), which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with part (c).

- 4) Prior to the commencement of development, a construction method statement detailing the retention of the façade of the former bank building shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 5) Prior to the commencement of development, a scheme for the provision of sustainable urban drainage shall be submitted to, and approved in writing by, the local planning authority. The drainage works shall be implemented in accordance with the approved scheme and thereafter retained.
- 6) Prior to the commencement of development, details of a temporary car park within or near the site to accommodate operatives' and construction vehicles shall be submitted to and approved in writing by the local planning authority. The temporary car park shall be provided in accordance with the agreed details for the whole contract period unless otherwise agreed in writing by the local planning authority.
- 7) Prior to the commencement of development, a scheme to alter the no entry signage onto Commercial Road, widening of footways as shown on the approved plans, associated alterations to road markings and any other alterations to adopted highways shall be submitted to and approved in writing by the local planning authority.. The approved works shall be fully implemented prior to first residential occupation of the development and the footway shall be kept available for public use at all times thereafter.
- 8) Prior to first residential occupation of the development hereby approved, a plan identifying visibility splays at the vehicular access shall be submitted to and approved in writing by the local planning authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the approved splays shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, including the reduction in level of the land if necessary, and nothing over

that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

- 9) No residential unit shall be occupied until the access, turning space, vehicle and cycle parking and bin storage shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times. Furthermore the residential car parking spaces shall not be allocated to any individual residential unit except for the parking bays indicated as disabled parking bays which may be allocated for use by registered disabled users only.
- 10) Proposals for the hard and soft landscaping of the site shall be submitted to, and approved in writing by, the local planning authority. The landscaping scheme shall include provision for planting including the sedum roof, hard surfacing, lighting, bollards, external cycle parking, boundary walls, fencing and other means of enclosure and any changes in levels.
 - a) the approved scheme shall be carried out prior to first residential occupation of the development or in accordance with a timetable to be agreed in writing with the local planning authority;
 - b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
 - c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the local planning authority gives written consent to any variation; and
 - d) the whole scheme shall be subsequently retained.
- 11) Other than the access shown as serving the development, all other existing accesses to the site shall be permanently stopped up and abandoned within 7 days upon construction or opening up of the new access. Prior to the first occupation of the residential units, works shall be undertaken and completed, to reinstate back to standard kerb height and footway construction of any existing lowered kerb vehicle crossing and raised bus stop kerbs around the site which will be made redundant as a result of the proposal.
- 12) Details and samples of all external facing materials to be used shall be submitted to and approved in writing by the local planning authority prior to their installation onsite. The development shall thereafter be carried out in accordance with the approved details.
- 13) Prior to first residential occupation of the development hereby approved, details of the use of on-site renewable energy sources to meet a minimum of 20% of predicted energy use of the residential development, shall be submitted to and approved in writing by the local planning authority and subsequently implemented, retained and maintained.
- 14) No development shall take place until a scheme for a car club to serve the development, to include the provision of a shared car and parking

space (which may be located either on the site or off the site) and a scheme for its management and operation have been submitted to and approved in writing by the local planning authority. The car club shall be brought into operation prior to the occupation of the development and shall thereafter be retained, unless, after a period of at least 3 years, the local planning authority agree in writing that it can be discontinued.