

# Planning Committee



Application Address	St Peters Church Hall, 10 Chapel Road, Poole, BH14 0JU
Proposal	Outline application with some matters reserved (appearance and landscaping) to demolish Church Centre and erect 4no semi-detached houses with associated parking and access
Application Number	APP/24/00287/P
Applicant	Mr Paul Bloomfield
Agent	Mr Paul Bloomfield
Ward and Ward Member(s)	Parkstone Ward Councillor Crispin Goodall Councillor Emily Harman
Report status	Public Report
Meeting date	7 November 2024
Summary of Recommendation	Refuse
Reason for Referral to Planning Committee	Called in unconditionally by Cllr Harman for below reasons: 1. Committee need to be satisfied that the space now offered by the church provides sufficient community benefit as to outweigh the loss of the hall. 2. They also need to explore the decline in services offered: Which community groups have not / cannot transfer to the church space? (Brownies etc) Has the change of space allowed more groups to meet and thrive?
Case Officer	Frances Summers

## Description of Proposal

1. The proposal seeks outline planning permission to demolish the existing Church Hall and replace it with four houses with associated parking. This outline application seeks approval for the detailed matters of access, layout and scale.

Appearance and landscaping are not for detailed consideration under this application but are reserved for later approval, should this application be approved.

2. The proposed development would comprise of two pairs of semi-detached, two storey houses, each with a lounge, kitchen/dining room, utility area and WC on the ground floor and with three bedrooms (including en-suite to the master bedroom) and a bathroom on the first floor. A total of four parking spaces would be provided in a communal parking area to the northern end of the site that would be accessed via a vehicular access from Chapel Road.

### **Description of Site and Surroundings**

3. The application site is located to the eastern side of Chapel Road, occupying a corner plot at the junction with Church Road. The existing building is a single storey red brick community hall. There is open space at one end of the site and informal parking at the other end. The immediate surrounding development comprises of principally residential dwellings of varying styles, sizes and designs. The site is located immediately adjacent to Ashley Cross Conservation Area. There is an Area Tree Preservation Order (TPO No.199) that covers parts of the surrounding area, including the adjacent site at No.95 Church Road, but not the application site itself.

### **Relevant Planning History**

4. 2022 - Demolish Church Hall and replace with a new development of six houses and associated parking - **REFUSED** but is subject to an **APPEAL** that was dismissed (APP/22/01228/P) (APP/V1260/W/23/3318201). This application was refused for the following 4 reasons:
5. Due to the lack of information provided, the inability to provide a guaranteed community benefit, and the lack of evidence to show the community facility is no longer required, the proposal is contrary to both Policy PP26 (3) criteria (a) and (b).
  - 1) The overall layout, resultant small plot sizes, increase in built form and the amount of hardstanding would fail to integrate satisfactorily with surrounding development. The scheme would appear overall cramped and contrived and would be of detriment to the character and appearance of the area and of the adjacent Conservation Area. The scheme would represent an

overdevelopment of the application site and would fail to provide sufficient land to preserve or enhance the residential character and appearance of the area. Furthermore, the applicant has failed to submit existing elevations to allow for full consideration of the scheme. The proposal is therefore contrary to Policies PP27, PP28 and PP30 of the Poole Local Plan (November 2018).

- 2) The application site is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site, and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to the Dorset Heathlands, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).
- 3) The application site is within close proximity to Poole Harbour which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site and the determination of the application should be undertaken with regard to these European designations and the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA. It is clear, on the basis of advice

from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the special features of Poole Harbour including those which are SPA features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to Poole Harbour, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).

**The Planning Inspector concluded that:**

**In relation to reason for refusal one –**

*“there is currently no planning mechanism, such as a Section 106 Agreement in place, given the unique nature of the land ownership of the appeal site, I am satisfied that other mechanisms exist to ensure that funds from the sale of the appeal site are used for specific purposes, which include the reordering project. Neither do I have any reasons to doubt the overall objectives of the Church and its commitment to the delivery of the reordering project, especially considering the level of commitment made to date in terms of works carried out at St Peter’s Church...*

*whilst I find that it has not been adequately demonstrated that the facility is no longer needed and it is not feasible to support its continued existence, I do find that the proposed development would not result in a substantial decline in the range of facilities and services for local people and that it would deliver sufficient community benefit to outweigh the loss of the existing facility.”*

**In relation to reason for refusal two, the Inspector concluded the following –**

*“In many respects the proposal would contribute positively to sustainable development objectives as set out in the Framework, particularly in respect to the benefits associated with housing, in an accessible location. The proposal would also not conflict with Policy PP23. Nonetheless, these benefits would be modest given the scale of the development proposed. Moreover, in view of the harm that would be caused to the significance of the ACCA and the importance given to the conservation of such heritage assets, the benefits of the proposed development would fall short of outweighing the harm I have outlined above.”*

**In relation to reason for refusal three and four, the dismissed appeal decision advises –**

The appellant has provided a Unilateral Undertaking (UU) as part of the appeal. This secures a financial contribution towards the Strategic Access Management and Monitoring (SAMM), as sought by the Council. But as the inspector was dismissing the appeal he did not pursue this issue.

6. 2023 - Prior Notification of Proposed Demolition of St Peters Church Hall in order to allow the redevelopment of the site. APPROVED (APP/22/01732/PA).

7. 2023 - Demolish Church Hall and replace with a new development of six houses with associated parking. (APP/23/00377/P) **REFUSED** at Planning Committee for below reasons:

1) The scheme fails to meet the requirements of Policy PP26 of the Poole Local Plan in that it would result in the loss of a community facility, which would result in a significant loss in the range of facilities and services for the local community without the provision of sufficient community benefit to outweigh that loss. In addition, the applicant has failed to satisfactorily demonstrate that the loss of the community facility would not result in a substantial decline in the range of facilities and services for local people or that the facility is no longer needed and it is not feasible to support its continued existence. As such, the proposed development would be contrary to the provisions of Policy PP26 (3) of the Poole Local Plan (November 2018).

2) The overall layout, resultant small plot sizes, increase in built form and the amount of hardstanding would fail to integrate satisfactorily with the surrounding development and the prevailing pattern of development. Overall, the scheme would appear as a cramped and contrived form of development that would be detrimental to the character and appearance of the street scenes of Chapel Road and Church Road and the surrounding area and fail to preserve the character and appearance and significance of the adjacent Ashley Cross Conservation Area. The scheme would represent an overdevelopment of the application site and would fail to provide sufficient land to enable a type, scale and layout of development that would preserve or enhance the residential character and appearance of the area. The proposal is therefore contrary to Policies PP27, PP28 and PP30 of the Poole Local Plan (November 2018).

3) The application site is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special

Protection Area) and Ramsar site, and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to the Dorset Heathlands, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).

- 4) The application site is within close proximity to Poole Harbour which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site and the determination of the application should be undertaken with regard to these European designations and the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the special features of Poole Harbour including those which are SPA features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing

Committee on urban development adjacent to Poole Harbour, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).

8. 2023 - Demolish Church Centre and replace with a new development of 4 no houses with associated parking (APP/23/00382/P)- **REFUSED** at Planning Committee, remains **undermined at appeal**. Refused for the following three reasons:

- 1) The scheme fails to meet the requirements of Policy PP26 of the Poole Local Plan in that it would result in the loss of a community facility, which would result in a significant loss in the range of facilities and services for the local community without the provision of sufficient community benefit to outweigh that loss. In addition, the applicant has failed to satisfactorily demonstrate that the loss of the community facility would not result in a substantial decline in the range of facilities and services for local people or that the facility is no longer needed and it is not feasible to support its continued existence. As such, the proposed development would be contrary to the provisions of Policy PP26 (3) of the Poole Local Plan (November 2018).
- 2) The application site is within 5Km of a Site of Special Scientific Interest (SSSI). This SSSI is also part of the designated Dorset Heathlands SPA (Special Protection Area) and Ramsar site and is also part of the Dorset Heaths SAC (Special Area of Conservation). The proximity of these European sites (SPA and SAC) means that determination of the application should be undertaken with regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA and SAC heathland. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the heathland special features including those which are SPA and SAC features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee

on urban development adjacent to the Dorset Heathlands, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).

- 3) The application site is within close proximity to Poole Harbour which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site and the determination of the application should be undertaken with regard to these European designations and the requirements of the Conservation of Habitats and Species Regulations 2017. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the special features of Poole Harbour including those which are SPA features. Having regard to the Waddenzee judgement (ECJ case C-127/02) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to Poole Harbour, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).

### **Constraints**

9. The application site is located immediately adjacent to, but outside of the Ashley Cross Conservation Area.
10. With respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area – section 72 - Planning (Listed Buildings and Conservation Areas) Act 1990.
11. The adjacent site at No.95 Church Road is subject to an Area Tree Preservation Order (TPO No.199) but this does not cover the application site itself.
12. The existing church hall constitutes an existing community facility in accordance with Policy PP26 of the Poole Local Plan.

### **Public Sector Equalities Duty**



13. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Other relevant duties**

14. For the purposes of this application in accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (“the Habitat Regulations”) appropriate regard has been had to the relevant Directives (as defined in the Habitats Regulations) in so far as they may be affected by the determination.
15. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
16. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council’s area for their own self-build and custom housebuilding.
17. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

### **Consultations**

18. **BCP Highways Authority:** Support the proposal subject to conditions.

19. **BCP Planning Policy Team:** Current proposed remains unchanged from the perspective of PP26 - it would still result in the loss of the church hall, a community facility. However, in a recent appeal decision on the site (APP/V1260/W/23/3318201), it was determined that the proposal would deliver sufficient community benefit to outweigh the loss of the existing facility, and that the proposal would not result in a substantial decline in the range of facilities and services for local people (part a). Whilst the inspector found that it was not adequately demonstrated that the facility is no longer needed and it is not feasible to support its continued existence (part b), the policy only requires that either part a or part b is complied with, in addition to providing sufficient community benefit. Therefore, the Inspector deemed that the proposed loss of the hall does comply with PP26 of the Poole Local Plan. Planning policy therefore has no reason to object to the proposal on the grounds of PP26.
20. **BCP Conservation Officer:** Objection
21. **Waste Collection Authority:** No objection
22. **ECPS (Contaminated Land):** Department has no significant concerns, however recommended that a condition is attached to any approval to ensure sufficient control measures are implemented to prevent disturbance to local residents during demolition and construction works on site.
23. **BCP Biodiversity Officer:** No objection, if application is granted the mitigation and enhancement measures should be secured by condition. Informative suggested
24. **Dorset County Council Archaeologist:** Dorset Historic Environment Record records that an Ordnance Survey map of 1900 shows a burial ground on this site. Condition not suggested; however, applicant should be made aware. NB- applicant has been made aware.
25. **BCP Arboriculturalist:** No objection
26. **Society for Poole:** Object to the proposal which may not be sustainable given the local facilities.

## **Representations**

27. Site notices were erected around the site on 28<sup>th</sup> March 2024 with an expiry date of 22<sup>nd</sup> April 2024. 81 letters of representation have been received from 72 different addresses.
28. 1 comment was received that asked questions about the proposal. 21 objections were received from 15 different addresses. 61 letters were received in support of the proposed scheme from 55 different addresses. Comments received in response to the proposed development are summarised as below:
- Enhanced community benefit
  - Homes needed in the area
  - Loss of recreation facilities
  - No affordable housing
  - Insufficient parking provided
  - Narrow roads to support construction vehicles
  - Church not fit for purpose in meeting a diverse community's social needs and well being
  - No indication of installing ground source heating pumps or solar panels.
  - Burial ground on site
  - Church hall meets no community needs
  - Benefits for local businesses and residents
  - Better ongoing maintenance of the listed building
  - Improvements to church building benefits the local community
  - Church hall was underutilised, unsafe and unmaintained
  - Overdevelopment
  - Development is near a conservation area
  - Architectural style is unsympathetic
  - Additional air pollution
  - Congestion
  - Pressure for schools, GP, and primary care services
  - Financial gain benefits the remaining church
  - Scheme is contrary to policy
  - Church hall not an attractive building
  - Proposed housing in keeping with street
  - No decline in community provision

- Houses are sympathetic to the character of the area and improve streetscene
- Appropriate parking provided
- The loss of the Church Centre will impact on the provision of amenities for local children and young people
- Application does not offer clear community benefit to Lower Parkstone
- Overcrowding
- Parking pressures on the road
- Saturday operational hours unsuitable
- Waste removal lorries to not use Church Road due to width and turning restrictions
- Housing suited in popular residential area
- Homes for families provided
- Loss of privacy and overlooking
- Threat to biodiversity
- Disturbance to local residents relating to noise and increased traffic
- Pressure on the drains
- Loss of outlook and evening sunlight
- Daylight Sunlight report required
- Generating capital gain
- Contradicting information on the heritage statement
- Loss of space for children

### **Key Issues**

29. The key issues involved with this proposal are:

- Presumption in favour of sustainable development
- Principle of development - Loss of community facility
- Principle of development - Housing in this location
- Impact on character and appearance of area
- Impact on the Conservation Area
- Impact on amenities of future occupiers and neighbouring residents
- Impact on highways and parking
- Sustainability
- Biodiversity

- Other Matters
  - SAMM/CIL Compliance.
30. These issues will be considered along with other matters relevant to this proposal below.

### **Policy Context**

31. Section 38(6) of the Planning Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Poole Local Plan (November 2018).
32. Poole Local Plan (November 2018)
- PP1: Presumption in Favour of Sustainable Development
  - PP2: Amount and Broad Location of Development
  - PP7: Facilitating a Step Change in Housing Delivery
  - PP8: Type and Mix of Housing
  - PP26: Sports, Recreation and Community Facilities
  - PP27: Design
  - PP28: Flats and Plot Severance
  - PP30: Heritage Assets
  - 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
33. Emerging BCP Local Plan
34. Strategic Policy BE1: Design and high-quality places
- Policy E12: Community, sports and leisure facilities
  - Policy C6: Flood risk

- Policy C7: Sustainable drainage
- Policy BE4: Building heights
- Policy BE6: Heritage Assets
- Policy BE3: Living conditions
- Strategic Policy C1: Addressing Climate Change
- Policy C2: Sustainable Construction
- Policy C3: Water Efficiency
- Strategic Policy S2: Spatial strategy and levels of growth
- Policy BE2: Townscape
- Strategic Policy T1: Transport strategy
- Policy T4: Transport Infrastructure
- Strategic Policy P24: Parkstone

35. The Local Authority as part of Bournemouth Christchurch and Poole Council submitted the draft BCP Local Plan to the Secretary of State on 27 June 2024 for examination. The examination is expected to take around 12 months. If approved by the Inspectors, the BCP Local Plan will replace the current Local Plans around mid-2025. Given the high level of uncertainty that future revisions of the draft BCP Local Plan will echo the version submitted for examination, the policies are given very limited weight in the consideration of this application.

36. Other Development Plan Documents

- SPD2: Heritage Assets SPD (Adopted 2013)
- SPD3: Dorset Heathlands Planning Framework 2020-2025 SPD (Adopted March 2020)
- Dorset Heathlands Interim Air Quality Strategy 2020-2025 (Adopted February 2021)
- SPD5: Poole Harbour Recreation 2019-2024 SPD (Adopted February 2020)
- SPD6: Nitrogen Reduction in Poole Harbour (Adopted April 2017)
- SPD7: BCP Parking Standards SPD (Adopted January 2021)

- The Storage and Collection of Waste In New Development Guidance Note
  - Ashley Cross Conservation Area Character Appraisal and Management Plan (2012)
37. National Planning Policy Framework (“NPPF”/“Framework”)
38. The policies in the Framework are material considerations which should be taken into account when dealing with applications. Of particular relevance to this current application are the following:

## **Section 2 – Achieving Sustainable Development**

Paragraph 11 –

“Plans and decisions should apply a presumption in favour of sustainable development...”

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this Framework taken as a whole”.

**Section 8 – Promoting healthy and safe communities**

**Section 9 – Promoting sustainable transport**

**Section 11 - Making effective use of land**

**Section 12 – Achieving well-designed places**

**Section 14 – Meeting the challenge of climate change, flooding and coastal change**

**Section 15 - Conserving and enhancing the natural environment**

**Section 16 - Conserving and enhancing the historic environment**

39. On 30 July 2024, the Government launched a consultation, which is still ongoing, on proposed reforms to the Framework and other changes to the planning system. Given the high level of uncertainty that future revisions of the Framework will echo the consultation version, the potential changes are given very limited weight in the consideration of this application.

## **Planning Assessment**

### **Presumption in favour of sustainable development**

40. The NPPF (2023) paragraph 77 requires local planning authorities to identify and update a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the local planning authority has an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. The Draft BCP Local Plan (Regulation 19) consultation launched on 20 March 2024 and included a policies map and allocations. The land supply position is therefore set out in relation to a four-year housing land supply. Paragraph 77 goes on to state that the supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20%.
41. At the heart of the NPPF is the presumption in favour of sustainable development. NPPF paragraph 11 states that in the case of decision making, the presumption in favour of sustainable development means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless policies in the Framework that protect areas of assets of particular importance provide a clear reason for refusing the development proposals or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
42. Footnote 8 of paragraph 11 provides that in the case of applications involving the provision of housing, relevant policies are out of date if the local planning authority is (i) unable to demonstrate a four-year supply of deliverable housing sites or (ii) where the Housing Delivery Test (HDT) result is less than 75% of the housing requirement over the previous three years.
43. The 1 April 2024 marks the fifth anniversary of when BCP Council came into existence. As such, government planning guidance requires publication of a



single BCP Council housing land supply calculation, as opposed to a separate supply for each predecessor authority. At 1 April 2024 BCP Council had a housing land supply of **1.6 years** against a 4-year housing requirement that includes a 20% buffer (a shortfall of 8,078 homes). For the purposes of paragraph 11 of the NPPF, it is therefore appropriate to regard relevant housing policies as out of date as the local planning authority is unable to demonstrate a four-year supply of homes.

44. In this instance, the scheme would provide four additional dwellings that would contribute towards the Council's housing delivery target. Overall, there is no objection to the principle of the proposed development, subject to its compliance with the adopted local policies. This is assessed below.
45. For this planning application the benefits provided from the supply of new homes are considered to carry significant weight in the planning balance.

#### **Principle of development- Loss of community facility**

46. The application site is an existing community facility and falls under Use Class F.2(b) – a hall or meeting place for the principal use of the local community. Therefore, it is appropriate to consider the site as a community facility, and subsequently PP26 of the Poole Local Plan needs to be applied in consideration of the proposal.
47. Policy PP26 Part 3 relates to existing community facilities and seeks to retain sites currently or last used as community facilities. These are only permitted where:
  - a) The proposals provide sufficient community benefit to outweigh the loss of the existing facility or service AND the loss would not result in a substantial decline in the range of facilities and services for local people; OR
  - b) The facility is no longer needed, and it is not feasible to support its continued existence.
48. The current proposal would result in the loss of the existing church hall building; a community facility.
49. The introduction to Part 3 of Policy PP26 requires development to provide sufficient community benefit to outweigh the loss of the existing facility or

service. The inspector determining the previous appeal (APP/V1260/W/23/3318201) stated the following: *“whilst there is currently no planning mechanism, such as a Section 106 Agreement in place, given the unique nature of the land ownership of the appeal site, I am satisfied that other mechanisms exist to ensure that funds from the sale of the appeal site are used for specific purposes, which include the reordering project. Neither do I have any reasons to doubt the overall objectives of the Church and its commitment to the delivery of the reordering project, especially considering the level of commitment made to date in terms of works carried out at St Peter’s Church.”* Paragraph 55 of the NPPF allows for Local planning authorities to require planning obligations where ‘otherwise unacceptable development could be made acceptable’, but the inspector deemed that ‘other mechanisms’ exist that could ensure the monies from the sale are used for specific purposes.

50. The Planning Policy Team originally objected to this proposal but have since revoked their objection based on the response from the inspector. The appeal decision ref: APP/V1260/W/23/3318201, represents a material consideration, which must be taken into account in determining this decision.
51. However, the Council does not consider that ‘other mechanisms’ for securing community benefit would satisfy policy tests. Though the use of ‘other mechanisms’ has been explored, these would not provide the level of certainty that is required. It is standard practice for community benefits to be captured by a planning obligation (within the S106 agreement) to give certainty to how they will be spent to offset the loss of the community facility. Without a S106 agreement in place, there is no certainty that part 1 of Policy PP26 can be fulfilled. Ecclesiastical law was quoted by the applicant stating the funds associated with the sale of the residential units must be spent within the parish, but the Council cannot consider this to be legally binding or specific enough to be certain that they this would meet the tests set out in paragraph 57 of the NPPF and Regulation 122(2) of the Community Infrastructure Levy Regulations in that they are a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. For instance, there is no certainty that a specific amount of money will be put towards improvements that are directly related to the development and fairly and reasonable related in scale

and kind. As such, the reliance on ecclesiastical law does not provide the same certainty as a planning obligation secured by the S106 agreement.

52. With regards to Policy PP26(3a), the groups that previously used the Church Hall have mainly moved to the Church building without issue (with the exception of the guides and Scouts group that chose an alternative location within the locality). The Church has movable pews, refurbished toilets and is hoping to upgrade the existing kitchen area to serve the needs of the local groups better. It is not disputed that the church building is in better condition than the church hall.
53. The Planning Inspector, when determining a previous appeal scheme for this site (APP/V1260/W/23/3318201), stated “The inside of St Peter’s Church comprises a large, open space, which is considerably bigger than the building on the appeal site. To my mind, whilst the size and layout of the internal space may impact upon its ability to support certain activities, it provides flexibility for the space to be adapted to suit the individual user’s requirements. Moreover, given the lack of fixed pews, this would enable the space to be opened up as required. Furthermore, the provision of new toilets and improved access would further increase its attractiveness.”
54. He goes on to say “Overall, I accept that the internal arrangement of St Peter’s Church may have some limitations, but I do not find these to be so significant as to lead me to conclude that it would adversely restrict the range of activities and classes that could take place within it. As such, I find that St Peter’s Church represents a suitable facility for local people to use.”
55. However, it is not clear whether the Church could be hired out for activities, such as children’s parties and other similar activities, which are usually common activities within a Church Hall and other similar community halls. So, although it is agreed that the loss of the Church Hall would not result in a substantial decline in the range of facilities and services for local people in itself; it is also considered that it would not provide a like-for-like replacement of services that were provided in the Church Hall; and other locations within the vicinity that can readily absorb these functions and services to suit the needs of the community have not been explored to ensure there is no decline in the services currently offered.

56. Furthermore, the Church itself is also considered a community facility. As such, this proposal, which proposes a demolition of a Church Hall building, would result in a loss of a building that is considered a community facility. This is undoubtedly a physical loss, even if one community facility's activities can be completely absorbed by the other. The proposal therefore still results in a loss of a community facility.
57. With regards to the provisions of Policy PP26(3b), insufficient evidence has been submitted to conclude that the continuation of uses within the original Church Hall was not a feasible or viable option. The same stance was taken by the Planning Inspector in the same dismissed appeal (ref: APP/V1260/W/23/3318201).
58. Though the Church is capable of providing the services in its current state, the reordering project proposes potential improvements to the kitchen and an additional room for after school clubs; however, they are not required to make this building suitable to accommodate the uses that did take place in the Church Hall.
59. It is accepted that the proposal would not result in a substantial decline in provision for the local community. However, no amount of improvements to the Church building would offset the physical net loss in community facilities where two community buildings have become one. Furthermore, no community benefits have been proposed and secured in a suitable manner by way of a section 106 to offset such a physical loss.
60. As such it is not possible to conclude that the principle of this proposal meets the requirements of Policy PP26 of the Poole Local Plan (November 2018).

### **Principle of development - Housing in this location**

61. The Poole Local Plan sets out a spatial planning framework to meet objectively assessed needs to 2033. In accordance with Policy PP01, the Council will take a positive approach when considering development proposals that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of meeting housing needs, a strategic objective of the Poole Local Plan is to deliver a wide range and mix of homes in the most sustainable locations.
62. Policy PP02 identifies the amount and broad locations of development and states that the majority of new housing will be directed to the most accessible

locations within Poole, these being the town centre, district and local centres and locations close to the sustainable transport corridors.

63. A sustainable transport corridor is defined as 400 metres either side of a road capable of extending service provision by the end of the plan period to four buses per hour (each way) or within 500 metres radius of a railway station. The intention of this policy is that within these areas the majority of higher density development will place a greater number of people within close walking distance of public transport and a range of services/facilities as a convenient alternative to use of the car.
64. This approach is reinforced by Policy PP34 which also states that new development will be directed to the most accessible locations which are capable of meeting a range of local needs and will help to reduce the need for travel, reduce emissions and benefit air quality, whilst PP35 also states that proposals for new development will be required to maximise the use of sustainable forms of travel. Significant weight therefore has to be applied to the provision of additional residential accommodation which meets these policy objectives.
65. The application site falls within a sustainable transport corridor location, as identified by the Policies Map and therefore the principle of the residential development in this location is acceptable, subject to its compliance with the adopted policies.

#### **Impact on character and appearance of area**

66. Policy PP27 of the Poole Local Plan (2018) states that development will be permitted where it reflects or enhances local patterns of development in terms of layout, height, scale, massing, materials, landscaping and visual impact. Policy PP28 relating to plot severance states that severances will only be permitted where there is sufficient land to enable a type, scale and layout of development including parking and usable amenity space to be accommodated in a manner which would preserve or enhance the area's residential character.
67. The site is currently occupied by a single storey red brick community hall. It is located centrally within the site. There is an area of green open space to the south side of the site, with informal parking to the north of the site. The site is relatively flat. Surrounding residential development comprises detached, semi-detached and terraced properties.

68. The proposed scheme seeks to demolish the existing building and erect two pairs of semi-detached dwellings (a total of four dwellings). A communal parking area would be provided to the north of the site.
69. The proposed dwellings would sit forward of the building line of the dwellings to the north of the application site along Chapel Road by approximately 6.5 metres. This would result in the proposed development appearing at odds and out of character with the surrounding residential development.
70. Each plot would measure between approximately 5.8-6.6 metres in width, with the furthest south site measuring much wider given the shape of the site, and 19 metres in depth. The dwellings would measure 8.5 metres in depth, with the gardens measuring 7.5 metres in depth. A 1.2 metres gap is proposed between Houses 2 and 3.
71. The proposed area of hardstanding that would provide a communal parking area to the north of the site would be evident when travelling along Chapel Road. Again, this is considered to be at odds with the surrounding residential development along this side of Chapel Road where individual parking is located to the front of each dwelling- as previously mentioned. This pattern is also evident along the northern side of Church Road. Although it is noted there is a communal parking area to serve the development to the northwest, this is hidden to the rear of the site. In addition, as mentioned, consistency amongst the pattern of development is not as readily evident to the west of the site.
72. As outlined in the refused scheme ref: APP/23/00382/P, which sought permission for four detached dwellings, the proposed plots would still be smaller than the majority of residential development on this side of Chapel Road (eastern side). The inspector in the previous decision (ref: APP/V1260/W/23/3318201) considered at paragraph 25 "*whilst the plot sizes of existing development to the south may be comparable to those of the proposed development*", the appeal site has more in common with the development to the north.
73. Residential development to the north of the site along Chapel Road, after the junction with Church Road, comprises of detached dwellings set on long spacious plots measuring approximately 37 metres in depth and 9-10 metres in width. The gardens are also long and spacious, measuring approximately 15

metres in depth. These dwellings also benefit from parking to the site frontage. Existing residential development to the rear of the site, along the north side of Church Road is also spacious, with generously sized rear gardens and parking to the frontage.

74. In contrast, the resultant plot sizes measure approximately 19 metres in depth and 5.8-6.6 metres in width and the proposed rear gardens measure approximately 7.5 metres in depth, approximately half that of the gardens immediately to the north along Chapel Road. There is also minimal set back from the front elevation of the dwellings to the highway and parking is provided via a communal car park within the site, rather than to the frontage. As such, these aspects are in contrast to much of surrounding development for the reasons outlined above.
75. It is acknowledged that there are smaller plots to the southwest, in particular Nos. 3-15 Chapel Road which are situated within the Conservation Area. These are small older cottages and these properties pre-date any local plan and are evident on historical mapping dating back to 1869. These dwellings also appear somewhat visually separate to the residential development to the north, with the intersection of Church Road and Chapel Road providing a junction to mark the start/end of the Conservation Area and the transition from more modern housing to the older terraced housing.
76. It is also noted that there are smaller plots on a staggered building line to the northwest; however, it is evident that this side of Chapel Road lacks uniformity, which is evident in residential development on the western side of the road, and along the north side of Church Road. As such, whilst these forms of development are acknowledged, they do not carry significant weight in the determination of this application, and it is considered that the proposed form of development would be at odds with the character and appearance of the surrounding residential development for the reasons described above.
77. There is currently a sense of spaciousness at the junction of Church Road and Chapel Road given the large grass area to the south of the site, which adds to the overall character and appearance of the area. There are concerns that this sense of spaciousness will be lost, with House 1 sitting within approximately 6 metres off the corner, and a wall lining this corner with the Conservation Area.

78. The above increase in built form, amount of hardstanding, overall layout and resultant small plot sizes would fail to satisfactorily integrate with the surrounding development. Overall, it is considered that the scheme would appear cramped and contrived and would be of detriment to the character and appearance of the area. It is further considered that the scheme would represent an overdevelopment of the application site and would fail to provide sufficient land to enable a type, scale and layout of development that would preserve or enhance the residential character and appearance of the area.
79. With regards to the design and style of the dwellings, the proposed dwellings would be two storey in height. The proposed dwellings would be of a traditional style, which is somewhat reflective of surrounding development including materials use of buff and red brick, slate roof tiles and sash windows. There is no objection in principle to the overall appearance and design of the proposed dwellings; however, final details would have to be agreed at the reserved matters stage, should this outline application be approved.
80. The site plan indicates soft landscaping in the form of hedge planting to the front and side of the site. Whilst the details of the proposed landscaping of the site have been reserved for later consideration and therefore, they are not for consideration as part of this application, there is no objection in principle to the indicative details that are shown on the submitted site layout. However, as stated above, the final details would have to be agreed at the reserved matters stage should this outline application be approved.
81. To summarise, it is noted that following the determination of the scheme ref: APP/23/00382/P at Planning Committee in September 2023, the Committee Members did not resolve to refuse that application in line with suggested refusal reason 2 relating to overdevelopment of the site and the proposal being out of keeping with the character and appearance of the area. Such a decision represents a material consideration in determining this application. Given the Planning Committee previously accepted the principle of four dwellings on site, and this scheme is very similar in terms of layout and impact on character and appearance of the area, the Local Planning Authority therefore no longer wishes to object to the application on grounds relating to PP27 and PP28 of the Poole Local Plan 2018. Notwithstanding the above, it is the case officer's



professional judgement that the proposal is contrary to PP27 and PP28 due to the pattern of the proposed development being out of keeping with the area in particular the north side of Chapel Road and the sense of spaciousness by way of grassed area will be lost.

### **Heritage impacts**

82. The application site is adjacent to the Ashley Cross Conservation Area, a designated heritage asset. Therefore, the proposal has the potential to impact on its setting. The Church is a Grade II listed building, another designated heritage asset though this is not technically the subject of this application, the proposal is in close proximity to it and the moving of uses will impact on it.
83. Chapter 16 of the NPPF recognizes the need to conserve heritage assets significance so they can be enjoyed for their contribution to the quality of life of existing and future generations (para 195). It is required that the impact of proposals on a heritage asset are considered to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (para 201).
84. Paragraph 205 requires 'great weight' to be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
85. Paragraph 206 and 207 requires clear and convincing justification of any harm or loss of a designated heritage asset or significance of an asset. Paragraph 208 requires a development proposal that leads to less than substantial harm to the significance of a designated heritage asset, to be weighed against the public benefits of the proposal.
86. Policy PP30 of the Poole Local Plan states that new development is expected to preserve or enhance Poole's heritage assets, their historic, architectural and archaeological significance, their settings in a manner that is proportionate with their significance. Development within conservation areas should enhance or better reveal the significance and value of the site within the street scene and wider setting.
87. The Council's Conservation Officer was consulted on this proposal. They advised that the Church Hall building does not contribute positively to the

character or appearance of the street scene. Also, there is no objection to the demolition of the Church Hall, as demonstrated by the approval of the Prior Notification of Proposed Demolition of St Peters Church Hall (APP/22/01732/PA), in order to allow the redevelopment of the site. Notwithstanding this, the Conservation Officer advised that the proposal amounts to 'overdevelopment' of the site.

88. The Ashley Cross Conservation Area appraisal discusses how the residential area to the north of Commercial Road, which includes the properties close to the site along Chapel Road is characterised by uniform two storey residential properties. It goes on to state that these properties are constructed of buff brick or red brick elevations under slate roofs. The properties are set back behind small front gardens usually with low, brick, front boundary walls. The Appraisal also discusses how the vast majority of buildings in the area date from the Victorian and Edwardian development. The Appraisal also lists No's 3-15 Chapel Road as a 'positive feature' of the Conservation Area.
89. As already discussed, the scheme would not integrate with the character of the area and it would represent an overdevelopment of the site. This view was supported by the Planning Inspector, as already discussed. Furthermore the Inspector concluded that the open undeveloped area to the south, whilst not a formal area of open space, makes an important contribution to the openness of this part of the street scene and as an important aspect to the setting of the Ashley Cross Conservation Area (ACCA) to the south, allowing views of the buildings along the southern side of the Church Road and the low height of the existing building helped to maintain the distinct sense of spaciousness which is important to the setting of the ACCA.
90. The Inspector concluded the proposal would cause less than substantial harm to the significance of the ACCA as a designated heritage asset at paragraph 28 of his report (APP/V1260/W/23/3318201). Given that the refused scheme removes the area of open space, presents overdevelopment of the site that is out of character with its surroundings, with a height that is unknown, the same as the previous proposal, the same principles apply to this current proposal and it is concluded that this proposal would result in a less than substantial harm to

the significance of the ACCA and that paragraph 208 of the NPPF requires the harm to be weighed against the public benefits of the proposal.

91. The community benefit, associated with the requirements of Policy PP26 of the Poole Local Plan, as mentioned in the former parts of this report, is not considered a public benefit arising from this proposal, as required by the provisions of the NPPF. This cannot form a dual function of a public benefit which could be weighed against harm to the heritage assets. This stance was also confirmed by the Planning Inspector.
92. With regards to paragraph 208 of the NPPF, the applicant has not identified any public benefit arising from the scheme. Though some minor economic and social benefits are noted, such as contribution to the housing supply, jobs arising from construction and the housing of 4 families (offered as private market housing), these benefits are temporary and of a very small scale, and they do not outweigh the harm that has been identified.
93. Therefore, the scheme is not in accordance with Policy PP30 or Chapter 16 of the NPPF and would amount to less than substantial harm to the Conservation Area.

#### **Impact on amenities of future occupiers and neighbouring residents**

94. Policy PP27 of the Poole Local Plan 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.
95. 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.130).
96. With regards to the amenity of future occupiers, each dwelling would benefit from a kitchen and living room on the ground floor with three bedrooms on the upper floor. All rooms are of an acceptable size with acceptable levels of outlook and natural light, meeting the national minimum space standards for a four-

person, two storey, three bedroom dwelling. The dwellings would not benefit from a considerable amount of amenity space, given the proposed overdevelopment of the site, as mentioned above. However, in terms of external amenity, whilst more would be preferred, it is recognised that there are public green spaces, such as Ashley Cross Green in close proximity of the site - as such, in this instance it would not substantiate a refusal reason on its own in relation to amenity.

97. Given the proposed parking area to the north of the site, the dwellings would be unlikely to appear oppressive or overbearing in relation to No.12 Chapel Road given the separation distance that would be retained to the closest dwelling on Plot 4. Given the location of the highway, which separates the site from the dwellings that front the opposite side of Church Road to the south of the site, the scheme is unlikely to appear overbearing or oppressive to Nos.42 and 44 Church Road. In addition, given the separation distance that would be retained between the rear elevations of the proposed dwellings and the dwelling at No.95 Church Road to the rear (east) of the site, it is also unlikely that the proposed development would appear overbearing to that neighbouring dwelling. The scheme is also unlikely to result in any significant overshadowing or material loss of sunlight/daylight or outlook to any of these neighbouring properties given the sufficient separation distances that would be retained.
98. In terms of overlooking, the first floor window on the northern elevation of House 4 would face into the front garden area of No.12. This area is already within the public view and as such there is no overlooking concerns associated with this. In addition, this window would serve a stairwell and is marked with obscure glazing, further preventing the chance of any overlooking. Had the proposal been acceptable in all other respects, this would have been secured by condition.
99. There are numerous windows proposed at first floor level on the rear elevations which will face the side garden of No.95. There is however dense vegetation on this site, which is likely to mitigate any potential overlooking providing it is retained. In addition, there are separation distances of approximately 19 metres between the rear elevation of the proposed dwellings and the side elevation of No.95. The first floor bay windows on House 2 and 3 are also shown as obscure

glazing in the middle, with clear glass to the sides allowing oblique views of No.95 only. This would minimise potential overlooking further. Therefore, whilst it is recognised that there will likely be some overlooking to No.95, it is accepted that some levels of overlooking often exist in such urban areas and therefore it is not considered that this would result in such material harm as to warrant a refusal of the scheme on these grounds. There would be no overlooking concerns associated between the proposed dwellings. Whilst each dwelling would benefit from a window on the side elevation to serve the stairwell, this would face onto a gable wall elevation.

100. With regards to the additional pedestrian movements from the new dwellings, although noticeable to the neighbours, the associated noise and disturbance arising would be of a residential nature and scale such that it would not be so significant as to materially harm the amenities of these neighbours. In addition, it is likely that the noise and disturbance associated with the occupation of the proposed dwellings may be less than that generated by the existing Church Hall building when it is in use.
101. The impact on the residential amenities and privacy of the surrounding properties has been carefully considered and the representations referring to these issues are recognised and acknowledged. However, it is considered that the scheme is acceptable and compliant with the provisions of Policy PP27 of the Poole Local Plan (November 2018).

### **Impact on highways and parking**

102. As mentioned, a communal car parking area is proposed to the north of the site. An existing vehicle access along Church Road would be closed and the kerbs/footway would need to be reinstated at the applicants' expense, as advised by the BCP Highway Authority. The existing vehicle access along Chapel Road would be utilised and is wide enough to allow two vehicles to pass each other, which would prevent vehicles having to wait on the highway. The access splays out by design, providing pedestrian visibility which is considered acceptable.
103. A footway is proposed along the front of the development which is considered a highway improvement. The footway would have been required to be built to

adoptable standards, secured by condition, had the proposal been acceptable in all other respects.

104. The site is on the corner of the junction between Chapel Road/Church Road and the corner section of the site has been designated as a visibility splay with no features over 0.6m permitted, which would allow for drivers to see vehicles approaching the junction from both directions. Had the proposal been acceptable in all other respects, this would have been secured by condition.
105. Four car parking spaces are proposed, which meets the requirements within the BCP Parking Standards, given the site is within a Zone B location, based on the BCP Council Parking Zones and is considered to be a relatively sustainable location, with reasonable access to public transport, including near to a mainline train station, as well as being near to services, shops and other facilities.
106. Adequate turning provision is proposed and the turning area to the front of the car parking spaces has been hatched and annotated as a “shared turning area”. Again, had the proposed scheme been acceptable in all other respects, the provision of this shared turning area and the retention of it for use as a vehicle turning area free of obstruction at all times could have been secured by condition.
107. The Parking Standards SPD outlines requirements for Electric Vehicle Charging in new development. In this instance, the provision of EV charging points are shown for each car parking space, which is acceptable and the provision of these would have been secured by condition had the scheme been acceptable.
108. Secure and covered cycle parking for three bikes is proposed for each dwelling within their rear gardens which is an acceptable level of provision for the size of the proposed dwellings in accordance with the BCP Parking Standards SPD (2021). Pathways from the front of sites 2 and 3, and from the sides of sites 1 and 4 leading to the cycle stores are proposed. This is considered to be acceptable subject to the provision of a scheme of lighting to further enhance safety that could have been secured by condition had the scheme been acceptable in all other respects.

109. To summarise, subject to the imposition of the conditions referred to above, BCP Highways Authority have advised that they support the proposal that would be in accordance with the provisions of Policies PP34 and PP35 of Poole Local Plan (November 2018) and the BCP Parking Standards SPD (2021).

### **Sustainability**

110. Being a new build development, it will be readily possible to deliver an energy efficient and sustainable development in accordance with the requirements of the latest Building Regulations. Had the proposal been acceptable in all other respects, a condition to secure details of the measures to achieve 10% of the energy needs of the proposed development through renewable energy sources would have been secured accordingly to ensure that the requirements of PP37 are met.

### **Biodiversity**

111. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of 'duty to conserve biodiversity' states "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."
112. The NPPF at chapter 15 'conserving and enhancing the natural environment' sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity. The Local Plan at Policy PP33 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
113. A Phase 1 and 2 bat report was submitted alongside the application. This advised that the building does not currently support roosting bats. It offers a number of mitigation and enhancement measures which could be implemented with the development. The Biodiversity Officer has been consulted on the scheme and has no objection to the proposals however they have recommended that if the scheme is granted permission the mitigation and enhancement measures as suggested in section 4 of the report should be secured by condition. They have also recommended an informative that if bats

are found during demolition that all work is to cease and if possible, part of structure that was removed and exposed bats put back into place. Had the proposal been acceptable in all other respects, these would have been secured by condition.

114. With the attachment of the conditions and informatives discussed above, it is considered that the scheme would be in accordance with PP33 of the Poole Local Plan (November 2018).

### **Other Matters**

115. The application site is located within Flood Zone 1 and therefore is at a low risk of river or tidal flooding, whilst it is not identified as being at risk from surface water flooding. It is recognised that the scheme would introduce an increased level of hard surfacing across the site. The application form states that a sustainable drainage system (SUDS) would be used for the discharge of surface water drainage which could be acceptable, in line with the requirements of Policy PP38 of the Poole Local Plan; however, minimal information has been submitted in respect of this aspect of the proposed development. Therefore, to ensure there is adequate provision of surface water drainage infrastructure to meet the needs of the proposed development had the scheme been considered acceptable in all other respects it would have been reasonable to condition further details of the proposed SUDS scheme to be submitted to ensure the scheme is compliant with the provisions of Policy PP38 of the Poole Local Plan which seeks to ensure post-development surface water run-off does not exceed pre-development levels.
116. Bin storage areas are annotated within the rear garden of each dwelling on the site plan. On collection day, future occupiers could leave their bins at the bin collection point, as indicated on the site plan. It is noted that the Waste Team were consulted on the scheme however no comments were received. Nevertheless, the proposed arrangements for the storage of bins and for their presentation for collection are acceptable.
117. Whilst there is a Tree Preservation Order that covers part of the surrounding area, including the immediately adjacent site at No.95 Church Road to the east of the application site, it does not cover the application site itself and there are no protected trees on site. Whilst some vegetation and shrubbery would be



removed within the application site to facilitate the proposed development, there is no objection to this, although the landscaping of the site is reserved for consideration at a later stage.

118. With regards to the Biodiversity net gain (BNG), the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and  
(b) the planning authority has approved the plan.

119. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. As the application was submitted before 2 April 2024, this proposal is exempt from the BNG requirement.

### **SAMM/CIL Compliance**

120. 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.

Contributions Required			Dorset Heathland SAMM	Poole Harbour Recreation SAMM
Flats	Existing	0	N/A	N/A
	Proposed	0		
	Net increase	0	N/A	N/A
Houses	Existing	0	@ £510	@ £181
	Proposed	4		
	Net increase	4	£2040	£724
Total Contributions			£2040 plus admin fee	£724 plus admin fee
CIL	Zone C		@ £137.78 per sqm	

121. 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.
122. 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.
123. The applicant has signed a section 106 agreement to ensure payment of the contributions on commencement of development. The scheme is therefore

considered in accordance with the provisions of Policies PP32 and PP39 of the Poole Local Plan (November 2018) in this regard.

### **Planning Balance/Conclusion**

124. In conclusion, the proposal does not accord with Policy PP26 in that the proposal does not satisfy the policy tests and does not provide community benefits to offset the loss of the Church Hall, and the proposal is contrary to PP27 and PP28 in relation to integrating with the character and appearance of the area.
125. Given the shortfall of number of homes delivered in Poole, paragraph 11d of the NPPF applies. Paragraph 11d requires that permission is granted unless the policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development.
126. The Council encourages sustainable development. This seeks to strike a balance between the economic and social benefits of new housing with any potential environmental impacts that result from the residential redevelopment of the plot and potential impact on residential amenities, and the social benefits derived by the creation of much needed housing.
127. The proposed scheme would contribute to the Council's demand for new housing; providing four residential units. Consideration has been given to the appeal decision for APP/V1260/W/23/3318201 and the Planning Committee decision for APP/23/00382/P. However, the provision of 4 homes cannot be given significant weight in the planning balance.
128. Paragraph 11 d of the NPPF then refers to footnote 7 that lists 'designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72)' as an asset of particular importance. As discussed in this report, the proposal amounts to less than substantial harm to the significance of the Conservation Area and there are no public benefits to outweigh this harm. This harm stands alone and therefore, the tilted balance, in this instance, does not apply.
129. The cumulative impacts on the community and the Conservation Area from the loss of one community facility with no community benefit to offset this loss, and

the less than substantial harm to the Conservation Area with no public benefit to offset this loss outweigh the very modest benefits arising from the proposal.

130. It is considered that the scheme has an acceptable impact on the amenities of future occupiers and neighbouring residents. It also has an acceptable impact on parking provision and highway safety.

131. However, on balance, the scheme is recommended for refusal.

### **Recommendation**

132. It is therefore recommended that this application be **REFUSED**.

133. Reasons for refusal

1. The scheme fails to meet the requirements of Policy PP26 of the Poole Local Plan in that it would result in the loss of a community facility, which would result in a significant loss in the range of facilities and services for the local community without the provision of sufficient community benefit to outweigh that loss. In addition, the applicant has failed to satisfactorily demonstrate that the loss of the community facility would not result in a substantial decline in the range of facilities and services for local people or that the facility is no longer needed and it is not feasible to support its continued existence. As such, the proposed development would be contrary to the provisions of Policy PP26 (3) of the Poole Local Plan (November 2018)
2. The overall layout, resultant small plot sizes, increase in built form and the amount of hardstanding would fail to integrate satisfactorily with the surrounding development and the prevailing pattern of development. Overall, the scheme would appear as a cramped and contrived form of development that would be detrimental to the character and appearance of the street scenes of Chapel Road and Church Road and the surrounding area and fail to preserve the character and appearance and significance of the adjacent Ashley Cross Conservation Area. The scheme would represent an overdevelopment of the application site and would fail to provide sufficient land to enable a type, scale and layout of development that would preserve or enhance the residential character and appearance of the area. The proposal is therefore contrary to Policies PP27, PP28 and PP30 of the Poole Local Plan (November 2018). The harm that has been identified is not outweighed by a public benefit arising from the proposed scheme.

## 135. Informatives

1. In accordance with the provisions of paragraphs 38 of the NPPF the Local Planning Authority (LPA) takes a positive and creative approach to development proposals focused on solutions. The LPA work with applicants in a positive and proactive manner by;

- offering a pre-application advice service, and
- advising applicants of any issues that may arise during the consideration of their application and, where possible, suggesting solutions.

Also

- In this case the applicant was advised how the proposal did not accord with the Development Plan, and that no material considerations were apparent that would outweigh these matters.
- In this case the applicant and BCP have worked together to minimise the reasons for refusal.

2. List of plans refused

Location block plan, drawing no: 2238 41

Site plan, drawing no: 2238 42

Bike Store, drawing no: 2238 50

Floor plans, drawing no: 2238 43

Front elevation boundary treatment, drawing no: 2238 45

Front elevation, drawing no: 2238 44

Rear elevation, drawing no: 2238 46

Street Scenes, drawing no: 2238 48

Side elevation, drawing no: 2238 47

Elevation details – materials, drawing no: 2238 49 r

All received 11 March 2024

3. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be Liable to the Community Infrastructure Levy Schedule which became a material planning consideration on 2nd January 2013. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme will be liable to pay the Council's CIL upon commencement of development.

4. The necessary contributions towards SAMM arising from the proposed development have been secured by a S.106 agreement and have been received.

5. This application is subject to a project level Appropriate Assessment in accordance with the Conservation of Habitats and Species Regulations 2017, concluding that the likely significant effects arising from the development can be mitigated and have been

mitigated ensuring there would not be an adverse effect on the identified designated sites of Nature Conservation Interest.

136. Background Documents:

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all formal consultation response and representations submitted by the applicant in respect of the application.

Case Officer Report Completed: 25/10/2024

Officer: Frances Summers

Date: 25/10/2024

Agreed by:

Date:

Comment: