

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	5 December 2024
Summary of Recommendation	Approve, subject to conditions
Reason for Referral to Planning Committee	<p>Called in unconditionally by Cllr Harman for below reasons:</p> <ol style="list-style-type: none"> 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?

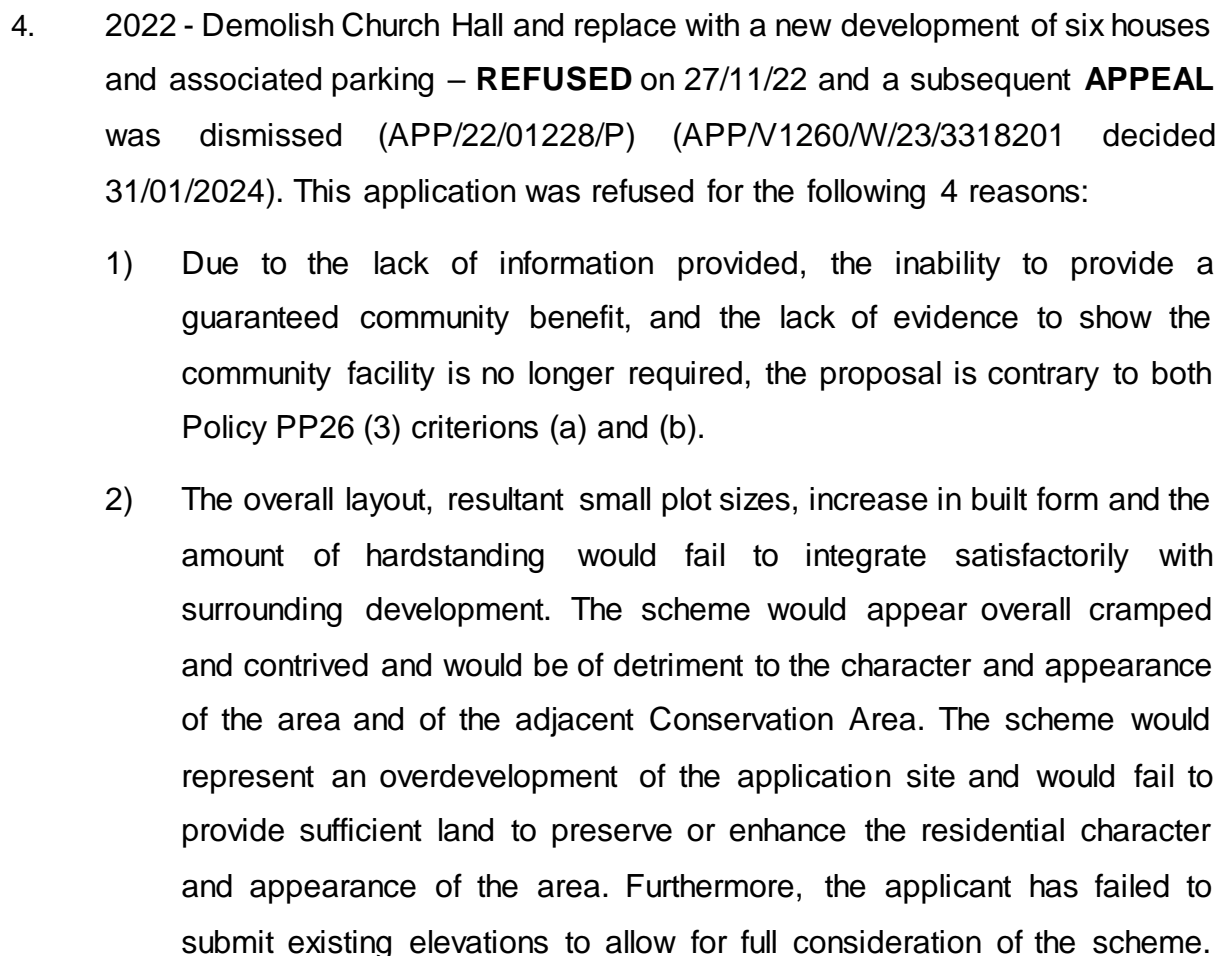
Description of Proposal

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.

2022 – APP/22/01228/P - 6 houses scheme refused 27/11/22, appeal dismissed
31/01/24



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).

5. In relation to reason for refusal one, and the introductory paragraph of PP26 (3), the Inspector noted the following –

“7. At Paragraph 8.16, the supporting text to PP26 indicates that community benefits could include replacement with a different type of community space. The paragraph continues that the community benefit should be proportionate to that which is lost and the extent to which the loss of the facility contributes to the decline of facilities and services to local people.

8. In this instance, the appellant refers to the benefits that would be derived from the re-investment of the funds generated from the sale of the building on the appeal site into the major church reordering project at St Peter’s Church. This is aimed at transforming the Church into a multi-purpose arts venue and community hub. From the details before me, this would include the provision of a new kitchen and café area, meeting rooms and a refurbished space for wider community use, amongst other things.

9. In relation to funding for the reordering project, the appellant has confirmed that the appeal site is Parochial Church Council Property and, as such, any funds from the sale of the appeal site can only be applied to capital ecclesiastical projects within the Parish. The major reordering project is cited as one such example. I also note that whilst no planning or listed building

consents are in place for certain elements of the reordering project, due to Ecclesiastical Exemption, this may not be necessary, although there is no substantive evidence before me to demonstrate whether this is the case.

10. On the basis of the evidence before me, 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.

11. As a consequence, I find that the proposed development would deliver a community benefit, which is sufficient to outweigh the loss of the existing facility."

6. In relation to the first criterion of PP26(3), the inspector concluded:

"13. 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.

16. In conclusion, in relation to criteria one of Policy PP26(3), whilst the appeal site may represent a long-standing and unique community facility, I find that there are other facilities, including St Peter's Church, that are available within the area. I accept that this is likely to result in some change, including the type of building and the spaces available, however, given the presence of these spaces I do not find that the loss of the facility on the appeal site would result in a substantial decline in the range of services and facilities available to local people."

7. In relation to the second criterion of PP26 (3), the inspector concluded:

“17. In relation to the second criteria, it is the appellant’s view that the condition of the building is such that it is no longer viable to operate and needs major investment to bring it up to the required standard...”

18. Neither is there any evidence to demonstrate that the site has been marketed as a community facility. Nor is there any evidence before me to show that alternative proposals which retain some aspect of a community use in a redevelopment scheme have been explored... As a consequence, given the need for the facility and the lack of detailed evidence to demonstrate that a feasible option is not possible, compliance with criterion (b) of PP26(3) is not demonstrated.

“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.”

8. In relation to reason for refusal two, regarding heritage assets, the inspector concluded the following:

“24. The surrounding area is predominately residential and comprises a mix of styles of dwelling types and sizes, all set within a range of plot sizes.

Properties to the north and east, along Church Road and Chapel Road, tend to have larger plots and as a result, the urban grain is less dense. In contrast, to the south, within the ACCA, dwellings tend to be smaller and as a result, are set within smaller plots, giving a tight, urban grain, with properties located hard up against the carriageway.

25. To my mind, due to the location of the site outside of the ACCA, along with the nature of the existing development on the appeal site, I consider that the appeal site has more in common with the development to the north. As such,

whilst the plot sizes of existing development to the south may be comparable to those of the proposed development, I find the proposed plot sizes to be out of keeping with the general character of the area. This would result in a cramped appearance, indicative of overdevelopment. As a result, the proposal would introduce a pattern and form of development which would be out of keeping with and harmful to the character and appearance of the area.

27. The southern part of the existing site currently comprises an undeveloped and open area. Whilst this area is not a formal area of open space and is privately owned, its presence nonetheless, makes an important contribution to the openness of this part of the street scene. It also serves as an important aspect to the setting of the ACCA to the south, allowing views of the buildings along the southern side of Church Road. Furthermore, whilst the design and appearance of the existing building on the site is very much one of a functional building, its position within the plot and its relatively low height, maintains the distinct sense of spaciousness, which I consider to be important to the setting of the ACCA.

28. The proposed development would result in the loss of this open area, with the end part of the terrace being sited on this part of the appeal site. Due to the increase in built form when compared with the existing building on the site, this would result in a reduction in the overall feel of spaciousness at this location, which would harm the character and appearance of the area and fail to preserve the setting of the ACCA...I find that the proposed development would represent a prominent form of development that would fail to preserve the setting of the ACCA. Accordingly, I conclude the proposal would cause less than substantial harm to the significance of the ACCA as a designated heritage asset. Paragraph 208 of the National Planning Policy Framework (The Framework) requires such harm to be weighed against the public benefits of the proposal...

31. Having considered the identified benefits of the proposed development, I find that, given the national importance to the protection of heritage assets, compared with the relatively modest scale of the development proposed and the associated benefits, I find that they (the benefits) ...would not outweigh the

less than substantial harm I have identified to the setting of the ACCA. Furthermore, whilst it is agreed that the Council are unable to demonstrate a five-year supply of housing land, I find that these issues are likely to be temporary, whilst the harm to the setting of the ACCA would be permanent.

32...The proposed development would also conflict with the aims of The Framework as it would fail to sustain the significance of the designated heritage asset where the public benefits would not outweigh the harm.”

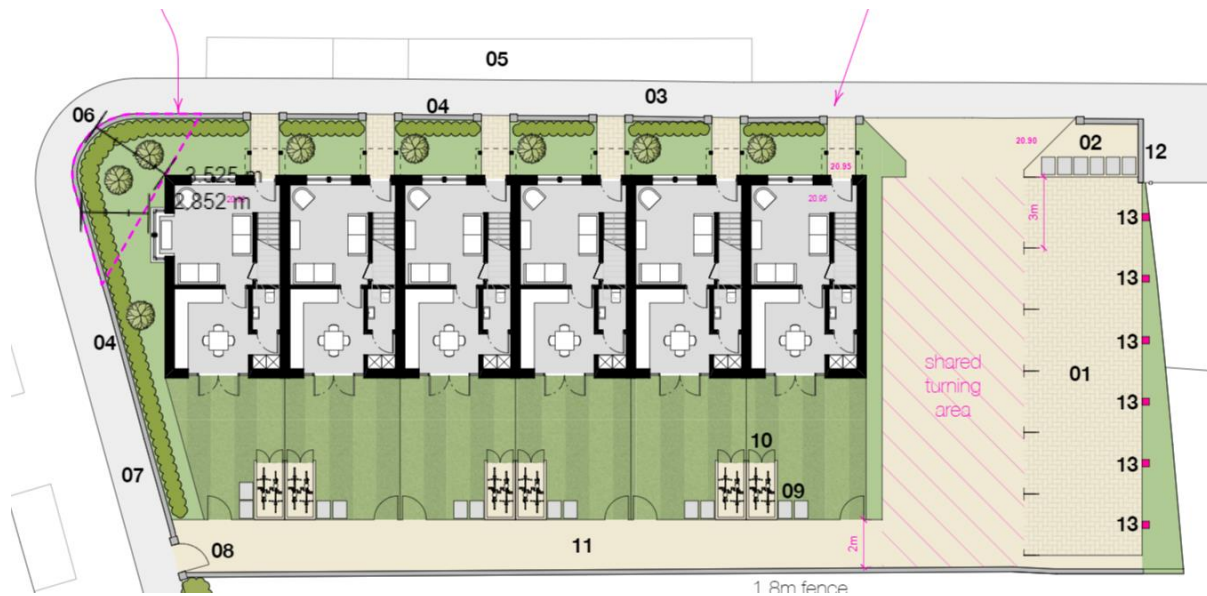
9. In relation to reason for refusal three and four, the dismissed appeal decision advises –

“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.”

2023 – APP/22/01732/PA - Prior approval for demolition of Church Hall determined
02.02.23



10. 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).



11. 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:

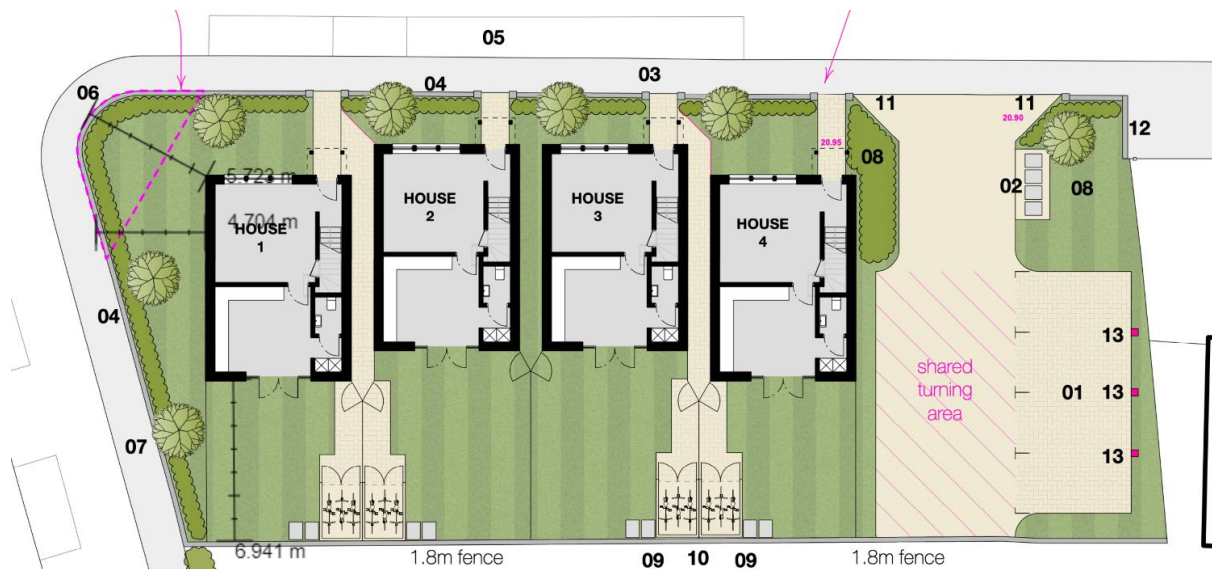
- 1) The scheme fails to meet the requirements of Policy PP26 of the Poole Local Plan in that it would result in the loss of a community facility, which would result in a significant loss in the range of facilities and services for the local community without the provision of sufficient community benefit 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).

2023 - APP/23/00382/P - 4 house scheme refused 25/09/23 undetermined at appeal



12. 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 **undetermined 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

13. The application site is located immediately adjacent to, but outside of the Ashley Cross Conservation Area.
14. 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 66 - Planning (Listed Buildings and Conservation Areas) Act 1990.
15. 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.
16. The existing church hall constitutes an existing community facility in accordance with Policy PP26 of the Poole Local Plan.

Public Sector Equalities Duty

17. 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

18. 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.
19. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is would be considered as a highway improvement. consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
20. 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.
21. 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

22. **BCP Education Dept.** Supportive of community use of after school club being held in the Church.
23. **BCP Highways Authority:** Support the proposal subject to conditions.
24. **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.

25. **BCP Conservation Officer:** Objection.
26. **Waste Collection Authority:** No objection.
27. **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 construction works on site.
28. **BCP Biodiversity Officer:** No objection, if application is granted the mitigation and enhancement measures should be secured by condition. Informative suggested.
29. **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.
30. **BCP Arboriculturalist:** No objection.
31. **Society for Poole:** Object to the proposal which may not be sustainable given the local facilities.

Representations

32. Site notices were erected around the site on 28th March 2024 with an expiry date of 22nd April 2024. As of 25 October 2024, 81 letters of representation have been received from 72 different addresses.

33. 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:

Support

- Enhanced community benefit
- Homes needed in the area
- 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
- 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
- Housing suited in popular residential area
- Homes for families provided
- Generating capital gain

Objections

- 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
- Overdevelopment
- Development is near a conservation area

- Architectural style is unsympathetic
- Additional air pollution
- Congestion
- Pressure for schools, GP, and primary care services
- Scheme is contrary to policy
- 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
- 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
- Contradicting information on the heritage statement
- Loss of space for children

Key Issues

34. 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.

35. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

36. 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).

37. 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

Emerging BCP Local Plan

38. 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
39. 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.

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)

National Planning Policy Framework ("NPPF"/"Framework")

40. 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

41. 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

42. 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%.

43. 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.
44. 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.
45. 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.
46. 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.
47. For this planning application the benefits provided from the supply of new homes are considered to carry moderate weight in the planning balance.

Principle of development- Loss of community facility

48. 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.
49. 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:
3. The proposals provide sufficient community benefit to outweigh the loss of the existing facility or service AND
 - a) 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.
50. The current proposal would result in the loss of the existing church hall building; a community facility.
51. 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.

52. The BCP Planning Policy Team originally objected to this proposal but have since revisited 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. This is attributed significant weight.
53. From the inspectors report it seems he based his decision on the grounds for appeal that stated at 4.9, *"St Peter's Church to be transformed into a multipurpose arts venue and community hub in the heart of Ashley Cross. This will include a new kitchen and café area, enhanced storage facilities, flexible meeting rooms, flexible seating arrangements and a large refurbished space for the wider community to use...to help realise...bring St Peter's Church back into the community as a place of social interaction, arts and participation rather than solely a place of worship used from time to time."* At paragraph 4.13 the appellant describes how the funds will be managed, *"the proceeds of the sale of the hall will be held in a diocesan trust fund with the explicit conditions of being spent on an ambitious major church reordering project that is envisaged and driven by Revd Trotman"*. And at 4.14 that *"Any proceeds of sale will form a PCC financial Trust Fund and will come under the terms of the PCC Powers Measure 1956. This means that these funds can only be applied to capital ecclesiastical projects within the parish – such as a major reordering project in the parish church of St Peter. To access the funds for such a project by PCC (Parochial Church Council) and SDBF (Salisbury Diocesan Board of Finance) consent will be required."*
54. This is similar to the evidence submitted as for this scheme. The reordering project is underway and toilets have been provided, removable pews have been purchased and also provided.
55. Though reliance on Ecclesiastical law was accepted by the inspector but the Council do not feel this provides sufficient certainty over what would actually be delivered and at what point. 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 and that the uses would remain available to the community. As such, the reliance on ecclesiastical law does not provide the same certainty as a planning obligation secured by the S106 agreement.

56. Therefore the Council has explored other mechanisms for securing community benefit.
57. 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. However a Section 106 could create obstacles for the development as the Church effectively have their own planning permission process for internal works and would not necessarily align with the normal planning permission process and therefore a Section 106.
58. Another option would be a Grampian condition. This can secure specific community benefit, and this condition would need to be discharged prior to commencement of development. If this was used, the Council can be certain that the community benefit would offset the loss of the church hall, and there is certainty over its delivery.
59. Though the Church is capable of providing the services in its current state, the Reordering Project (a project in motion by the Church to improve its facilities) proposes the first floor “upper room” within St Peters Church to be fully refurbished and made fully available for community use, and improvements to both staging and theatre lighting to the ground floor for the purposes of community use. The upper room could be available for activities such as after school clubs. Though these improvements are not required to make this

building suitable to accommodate the uses that did take place in the Church Hall, they represent community benefits that would help offset the loss of the physical Church Hall. If these benefits were captured by a Grampian condition this would satisfy the introductory section of Policy PP26. Therefore, only part a or b of Policy PP26 remains to be satisfied.

60. With regards to Policy PP26(3a) “the loss would not result in a substantial decline in the range of facilities and services for local people”, 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 was offered that space but chose an alternative location within the locality). The Church has movable pews, and refurbished toilets 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.
61. The Planning Inspector, when determining a previous appeal scheme for this site (APP/V1260/W/23/3318201), stated that “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.”
62. 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.”
63. The Church is capable of hiring out this room and the main hall for activities such as children’s parties and other similar activities which are usually common within a Church Hall or 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 direct 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.

64. 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 proposed scheme, therefore, still results in a decline in the range of community facilities available.
65. Prior Approval was granted for demolition of the church hall, this is a material consideration. Without providing a replacement for the Church Hall, there would potentially be a substantial decline in the range of facilities and services for local area. However, with the introduction of the Church as a replacement, there would be the loss of the physical building only. The extent of the loss cannot be described as substantial given the existing range of the uses have been absorbed into the Church and has made the Church a more vibrant community facility. Therefore, Policy PP26 (3a) is satisfied.
66. 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). Though evidence from the public depicts the Church Hall as a vibrant community space, with plenty of activities for both children and adults. However only part a or b of PP26(3) needs to be satisfied and therefore this cannot present sufficient harm to result in a reason for refusal.
67. To conclude, the introductory part of Policy PP26 that requires proposals to provide sufficient community benefit to outweigh the loss of the existing facility, can be fulfilled by way of a Grampian condition requiring upgrades to a room

within the Church building so as to provide this space as a community use, and upgrades to the staging and lighting system within the Church itself.

68. Part 3a of the Policy is also satisfied because the Council is content the loss of the community hall would not result in a substantial decline in the range of facilities and services for local people.
69. Part 3b of the policy is not satisfied (it has not been demonstrated that the facility is no longer needed or that it is not feasible to support its continued existence) but this is not required, only part a OR b is required.
70. As such it is concluded that the principle of this proposal meets the requirements of Policy PP26 of the Poole Local Plan (November 2018). However it should be noted that even if the benefits offered were still limited but criterion a or b was satisfied, this harm would still need to be weighed against the other matters for consideration within this proposal such as the provision of 4 dwellings.

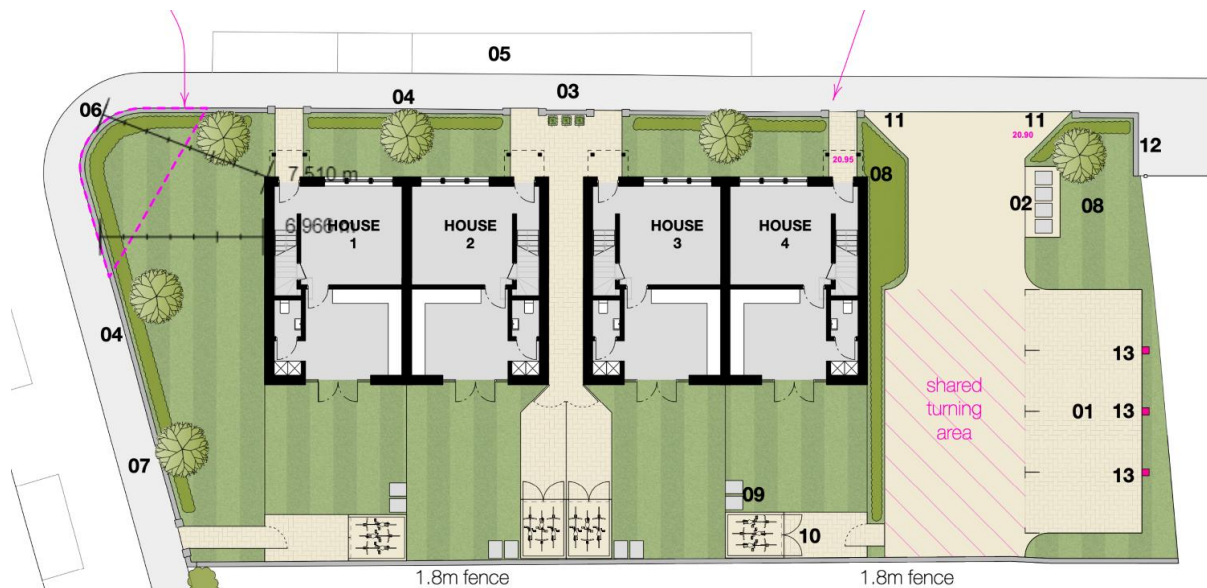
Principle of development - Housing in this location

71. 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.
72. 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.
73. 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.

74. 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 will be applied to the provision of additional residential accommodation which meets these policy objectives.
75. 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



76. 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.

77. The site is currently occupied by a single storey red brick community hall located centrally within the site. There is currently an area of green open space to the south side of the site that has railings and bollards separating it and the road, and there is informal parking to the north of the site. The site is relatively flat. Surrounding residential development comprises detached, semi-detached and terraced properties.
78. The proposed scheme seeks to erect two pairs of semi-detached dwellings (a total of four dwellings). This would follow demolition of the hall for which the site already has permission. A communal parking area would be provided to the north of the site and a smaller area of green open space would be provided to the south of the site.
79. With regards to the design and style of the dwellings, the proposed dwellings would be two storey in height. The proposed dwellings are indicative but shown as 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, the final details would have to be agreed at the reserved matters stage should this outline application be approved.
81. Parking for surrounding residential development is located to the front of each dwelling but this scheme proposes formalisation of the informal car parking area to the north of the site, to introduce hardstanding that would provide a communal parking area. Though this is at odds to the surrounding residential

development, the car parking would be largely hidden to the rear of the site and is not significantly different than the current layout. With regards to space in front of the properties, the proposal includes a pavement and some landscaping which would visually contribute to space between the properties and the road.

82. There is currently a sense of spaciousness at the junction of Church Road and Chapel Road by way of the large grass area to the south of the site, which adds to the overall character and appearance of the area. The Inspector concluded that this area, 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. There are concerns that this sense of spaciousness would be lost as the proposal decreases this open space, with House 1 sitting within approximately 6m off the corner in comparison to the current 11m between the community building and the road. However, this is significantly more open space than the 6 house scheme the inspector considered, where there was only a 2.6-3.8m gap between House 1 and the pavement. Also the difference between 6m and 11m, the proposed distance and the current distance, is not significantly different.
83. 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. The Planning Inspector in the previous decision for a 6-house scheme (ref: APP/V1260/W/23/3318201) considered at paragraph 25 that “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”*”.
84. 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. 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.

85. In contrast, the proposed plot sizes would measure approximately 19m in depth, significantly less than the 37m apparent in the dwellings to the north along Chapel Road. They would measure between approximately 5.8-6.6 metres in width, slightly less than the current 9-10m width of plots to the north of this site along Chapel Road. The gardens would measure 7.5m in depth, half the length of the gardens to the north of the site along Chapel Road.
86. It is acknowledged that there are smaller plots to the southwest, 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.
87. It is also noted that there are smaller plots on a staggered building line to the northwest where there is a lack of 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,
88. Furthermore, 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 6.5-7 metres. This would result in the proposed development appearing at odds with that residential development.
89. The above outlined increase in density and resultant small plot sizes would not enhance the character of the area or the street scene by blending in with the pattern of development, instead the proposal would create another variety within the street scene by way of the building line, plot size and layout.

90. As such it is considered that the scheme represents overdevelopment and fails 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. Nonetheless, the retention of the open space in some form helps to minimise the impacts.
91. It is noted that following the determination of the similar scheme for 4 houses, 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 as they believed the 4 house scheme was less harmful than the previously considered 6 house schemes. Such a decision represents a material consideration in determining this application. This was a predecessor Committee to the current make up. Notwithstanding the above, it is the case officer's professional judgement that the proposal presents minor harm to the pattern of development in the area as it adds to its haphazard nature rather than fitting in with the development to the north to which the site relates. This is contrary to PP27 and PP28.

Heritage impacts

92. 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.
93. 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).

94. 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.
95. 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.
96. 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.
97. 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.
98. 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, but on a more dense scheme for 6 houses as already discussed. The Inspector also 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.

99. The Inspector, when opining on the 6-house scheme, concluded that the appeal scheme caused 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) "The proposed development would result in the loss of this open area, with the end part of the terrace being sited on this part of the appeal site. Due to the increase in built form when compared with the existing building on the site, this would result in a reduction in the overall feel of spaciousness at this location, which would harm the character and appearance of the area and fail to preserve the setting of the ACCA. Furthermore, whilst the overall design of the proposed development would preserve the setting of the ACCA, given its size, scale and position, I find that the proposed development would represent a prominent form of development that would fail to preserve the setting of the ACCA. Accordingly, I conclude the proposal would cause less than substantial harm to the significance of the ACCA as a designated heritage asset. Paragraph 208 of the National Planning Policy Framework (The Framework) requires such harm to be weighed against the public benefits of the proposal."
100. 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.
101. Given the view that the current proposal would still amount to overdevelopment, but that the plot sizes are larger than the previously refused scheme that was dismissed by the inspector, and that it would retain a great deal of the open space on site (in comparison to the previous scheme where the inspector identified harm from its loss), and some defensible space to the front, it is

concluded that this proposal would result in less harm than identified by the inspector and that it would amount to less than substantial harm to the very lower end of the scale to the significance of the ACCA.

102. Therefore Paragraph 208 of the NPPF applies and the public benefits from the scheme need to be identified. Whilst the community benefits identified to mitigate harm against policy PP26 are provided, these 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.
103. 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.
104. Therefore the applicant has provided a public benefit in form of the provision of a footpath to the front of the dwellings where one does not currently exist. It is considered that this would be proportionate and relevant to the harm identified arising from the scheme.
105. Therefore, the scheme is in accordance with Policy PP30 and Chapter 16 of the NPPF.

Impact on amenities of future occupiers and neighbouring residents

106. 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.
107. 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).

108. 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.
109. 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.
110. 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, and landscaping and pavement 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.
111. 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.
112. There are numerous windows proposed at first floor level on the rear elevations which will face the side garden of No.95. The plans indicate 1.8m fence which is likely to mitigate some potential overlooking. In addition, there are separation distances of approximately 17 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 and this can be conditioned. 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. Furthermore there will be no unacceptable levels of overlooking between the front elevation windows and the houses opposite given a separation distance of between 18 and 20m which in a dense urban environment like this, is acceptable and common.

113. 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 was in use.
114. 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 subject to aforementioned conditions, would be compliant with the provisions of Policy PP27 of the Poole Local Plan (November 2018).

Impact on highways and parking

115. 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.

116. A footway is proposed along the western elevation of the development which is considered a highway improvement. The footway would be required to be built to adoptable standards, and this will be secured by condition. This is the public benefit that has been identified to offset the impact on heritage assets.
117. 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. This can be secured by condition.
118. Within the residential proposals, 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.
119. 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”. 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 can be secured by condition.
120. 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 can be secured by condition.
121. 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 can be secured by condition.

122. Furthermore, the use of the Church as a community facility has acceptable parking provision within the Church grounds itself where there are further informal car parking spaces.
123. 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

124. 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. A condition to secure details of the measures to achieve 10% of the energy needs of the proposed development through renewable energy sources such as ground source heat pumps or solar panels as an example, can be secured accordingly to ensure that the requirements of PP37 are met.

Biodiversity

125. 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."
126. 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.

127. 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. This can be secured by condition.
128. 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.
129. 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.
130. 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

131. 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, a condition would be secured to seek 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.

132. Bin storage areas are annotated within the rear garden of each dwelling on the site plan. It is expected that, on collection day, future occupiers would 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 and can be conditioned.
133. 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.
134. Dorset's Senior Archaeologist responded to this proposal stating the Dorset Historic Environment Record records that an Ordnance Survey map of 1900 shows a burial ground on this site. This is most likely connected to the former chapel and would not be of any great historical significance but the applicant should be made aware of the possibility that the development of the site could affect human remains.

135. Public comments raised objection to no affordable housing provision but this proposal does not meet the thresholds for requirements for affordable housing as per Policy PP11.
136. Regarding comments relating to pressure for school places and GP's, the Poole Local Plan made provision for a minimum of: 14,200 (net) homes, amongst other elements such as employment floor space and care bed spaces. This took into account pressure for schools, GP's and primary care services and was found to be suitable. The housing provision is not yet met so it can be considered that the schools and GP's can still accommodate further housing.
137. Regarding congestion, highways did not object to the proposal and therefore this is not considered an issue.
138. Some comments relayed concerns regarding the loss of the Church Hall as negatively impacting on the amenities for local children and young people. The applicant has advised of a desire to create an after school club amongst other community events, and the council's education department confirmed that there was potential for this in the area with the current after school clubs being at capacity and Central Governments National Wraparound Care Programme wanting to increase 8-6pm provision for working parents in which BCP are engaging. Therefore this type of provision could be useful and provide amenity for young people. Policy PP26 does not require the community facility to be replaced like for like, it only requires community benefit so losing amenity for children does not mean the proposal is contrary to PP26.

SAMM/CIL Compliance

139. 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
Houses	Existing	0	-	-
	Proposed	4	@ £510	@ £181
	Net gain	4	£2040	£724
Total Contributions			£2040 plus admin fee	£724 plus admin fee
CIL Zone C			@ £137.78 per sqm	

140. 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.
141. 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.
142. 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

143. In conclusion, the scheme presents less than substantial harm to the lower end of the scale to the heritage asset of the Ashley Cross Conservation Area. This is considered outside of the planning balance.
144. The scheme is in conflict with PP27 and PP28 with regard to impacts to the street scene and character of the area, this is given limited weight in the planning balance due to the scheme providing more open space to the south and taking into account previous decisions.
145. Notwithstanding that, the scheme can satisfy the policy tests of PP26 and provide community benefits to offset the loss of the Church Hall, residential development would be provided in a sustainable location, there are no highway concerns, the scheme can provide energy efficient accommodation that would not be harmful to biodiversity, these elements are afforded moderate weight in the planning balance. The scheme presents no other harm or policy conflicts either as presented or by way of condition.
146. 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.
147. 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.
148. 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. The provision of 4 homes can be afforded moderate weight in the planning balance.

149. Also, the proposal accords with the development plan as a whole, the Dorset Heathlands Planning Framework SPD, BCP Parking Standards, Poole Harbour Recreation SPD and the NPPF.
150. The benefit of 4 homes and policy compliant elements that are given moderate weight in the planning balance outweigh the harm arising from conflict with PP27 and PP28 that is afforded limited weight in the planning balance.
151. 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 harm towards the lower end of less than substantial harm to the significance of the Conservation Area. The public benefit of a footpath is provided to offset this limited harm and it is considered proportionate.
152. On balance, taking into account the arguments outlined above, the proposed scheme is therefore recommended for approval, subject to the conditions listed below.

Recommendation

153. It is therefore recommended that this application be **Approved subject to conditions**

Conditions

1. OL080 (Submission of reserved matters)

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission and the development hereby permitted shall be begun before the expiration of 2 years from the final approval of reserved matters, or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason -

This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004

2. PL01 (Plans Listing)

The development hereby permitted shall be carried out in accordance with the following approved plans:

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

All received 11 March 2024

Upper Room Floor Plan drawing received 22 November 2024

Reason -

For the avoidance of doubt and in the interests of proper planning.

3. HW080 (First 4.5 Metres Constructed)

Concurrently with the construction of the development hereby permitted, the first 4.5 metres of the access crossing, measured from the near side edge of the carriageway, shall be laid out, constructed, hardened and surfaced, in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason -

In the interests of highway safety and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

4. HW100 (Parking/Turning Provision)

The development hereby permitted shall not be brought into use until the access, turning space, vehicle parking and cycle parking shown on the approved plan Drawing No: 2238 42, have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.

The shared turning area, as shown on the approved plan, shall be kept clear and remain available for the use as a vehicle turning area at all times. To this end no walls, fences, landscaping, vehicles or structures that would obstruct these vehicle turning movements shall be placed within this shared turning area.

Reason -

In the interests of highway safety and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

5. HW200 (Provision of Visibility Splays)

Before the occupation of residential development hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, the land designated as visibility splays, as indicated on the approved plan Drawing No: 2238 42, 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.

Reason -

In the interests of highway safety and in accordance with the approved plans and Policies PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

6. HW240 (Electric Vehicle Charging Points)

Within 3 months of the commencement of the development details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking Standards SPD (adopted 5th January 2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved. Thereafter, the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reason:

In the interests of promoting sustainable development including sustainable forms of transport in accordance with Policy PP35 of the Poole Local Plan - November 2018

7. AA01 (Non standard Condition)

No part of the residential development hereby permitted shall be occupied until a scheme to close the existing access (which is to be made redundant) is submitted to and approved in writing with the Local Planning Authority. The scheme shall include provision to raise the existing lowered kerbs and reinstate the footway to the existing access and shall comply with the standards adopted by the Local Highway Authority. All works shall be completed in accordance with the approved scheme prior to first occupation of the new development.

Reason: In the interests of highway safety and in accordance with Policy PP34 and PP35 of the Poole Local Plan November 2018.

8. AA01 (Non standard Condition)

Prior to first occupation of any new residential unit hereby approved, details of a proposed scheme of lighting within the car park area, to include details and specification of the type of lighting proposed, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to first occupation of any new residential unit hereby approved and thereafter retained and maintained to ensure the lighting remains in working order.

Reason: in the interests of highways safety and in accordance with Policy PP34 and PP35 of the Poole Local Plan November 2018.

9. AA01 (Non standard Condition)

Prior to the first occupation of any residential unit hereby approved, details of a scheme to provide a 1.5m wide footway running the length of the western boundary within the site and parallel with Chapel Road, as shown on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any residential unit hereby approved. The footway shall be built to adoptable standards, with construction details forming part of the submitted scheme, and shall be given over to the Local Highway Authority to be dedicated as public highway through a Section 38 Highway Agreement, or any other agreement as agreed between the owner and the Council. The agreed scheme shall subsequently be completed in accordance with the agreed details prior to first occupation of any residential unit hereby approved.

Reason: in the interests of highway safety and in accordance with Policy PP34 and PP35 of the Poole Local Plan November 2018.

10. AA01 (Non standard Condition)

No part of the residential development hereby permitted shall be occupied until the mitigation and enhancements as given in section 4 of 'Phase 1 and 2 bat report, St Peter's Centre, Ashley Cross' by LC Ecological Services Ltd, September 2023 are implemented in full. These mitigation and enhancements shall be retained thereafter.

Reason: To protect species and habitats in accordance with Policy PP33 of the Poole Local Plan November 2018.

11. AA01 (Non standard Condition)

No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate the implementation of best practicable means to reduce the impacts of noise, vibration and dust. The plan shall include details of the following relevant measures, but not limited to:

- (a) No part of the development hereby permitted shall be commenced unless a Construction Environmental Management Plan ("CEMP") has first been

submitted to and approved in writing by the local planning authority. The CEMP shall in particular include:

- (i) the qualifications and experience of the person(s) who undertook the plan sufficient to demonstrate their competence; and
- (ii) a dust emissions management plan that identifies the steps and procedures which will be implemented to control the creation and impact of dust resulting from the site preparation, groundwork and construction phases of the development and which also includes twenty four hour contact details by which the local planning authority can provide notice of any potential emission ("the Emission Contact"); and
- (iii) a construction environmental management plan that identifies the steps and procedures which will be implemented to minimise the creation and impact of noise, vibration and any other emissions, potential ground and/or water pollution resulting from the site preparation, groundwork and construction phases of the development; and
- (iv) a construction logistics plan that identifies the steps which will be taken to minimise the impacts of all vehicles (including construction, delivery and waste transport) entering or leaving the site and parking on or off the site; and
- (v) twenty four hour contact details by which the local planning authority can provide notice of any potential issue arising in relation to any plan approved for the purposes of this condition ("the Emission Contact").

[Subject to paragraph (b) below], the development shall only be constructed in accordance with the approved CEMP and the approved CEMP shall at all times be accorded with.

(b) In the event of the local planning authority receiving a complaint or other notification of a possible escape from the application site, of any emission or other matter to which any of the plans approved for the purposes of this condition relates during any construction associated with the development, that might adversely affect any residential property (including any actual or potential occupier) or any other sensitive receptor, then within one hour (or such longer period as the local planning authority may otherwise agree), from the local planning authority providing notice of the potential escape to the Emission Contact or directly to any person on the application site (whichever is the sooner), no construction shall thereafter take place on any part of the application site (or as otherwise may be agreed in writing by the local planning authority) unless either:

- (i) a revised plan that takes account of the escape has been submitted to and approved in writing by the local planning authority in which event thereafter the development shall only be constructed in accordance with that revised plan together with all the other plans approved for the purpose of this condition; or
- (ii) the local planning authority has confirmed in writing that construction can continue in accordance with the last approved plans.

There shall be no burning undertaken on site at any time.

Construction and demolition hours shall be limited to 08.00 to 18.00hrs Monday to Friday, 08.00 to 13.00hrs Saturday and no working on Sundays and Bank Holidays.

Reason: to ensure sufficient control measures are implemented to prevent disturbance to local residents during demolition and construction works on site in accordance with PP27 of the Poole Local Plan November 2018.

12. AA01 (Non standard Condition)

No residential dwelling hereby permitted shall be occupied until such times as the first floor “upper room” within St Peters Church (as shown on Upper Room Floor Plan drawing received 22 November 2024) is fully refurbished and made fully available for community use and staging and theatre lighting improvements are made to the ground floor of St Peters Church for the purposes of community use.

Reason: The condition is required to ensure the measures to provide community benefit in the form of additional and improved community floor space in accordance with Policy PP26 are provided.

13. HW110 (Cycle Provision)

Prior to first occupation, secure cycle parking located as shown on Drawing No: 2238 42, details as per Drawing No: 2238 50 shall be provided in accordance with the approved plans and thereafter retained.

Reason: In order to secure the provisions of appropriate facilities for cyclists and in accordance with Policies PP27, PP34, PP35 and PP36 of the Poole Local Plan (November 2018).

14. GN162 (Renewable Energy - Residential)

Prior to first occupation of the building(s) hereby permitted, details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources, shall be submitted to and approved in writing by the local planning authority. These measures must then be implemented before any residential occupation is brought into use, and maintained thereafter. Documents required by the Local Authority include:

The ‘as built’ SAP assessment documents. These should be the same documents issued to Building Control to address the Building Regulations Part L,

The corresponding EPC (Energy Performance Certificate), and

A statement, summary or covering letter outlining how the data given in the above documents demonstrates that a minimum of 10% of energy use is provided by the renewable technology.

Reason: In the interests of delivering a sustainable scheme, reducing carbon emissions and reducing reliance on centralised energy supply, and in accordance with Policy PP37 of the Poole Local Plan (November 2018).

15. DR040 (Sustainable Urban Drainage)

No part of the development hereby permitted shall be commenced unless a drainage scheme that includes the disposal of surface water by way of a sustainable drainage system has first been submitted to and approved in writing by the local planning authority; the scheme shall in particular include:

- (a) proposed arrangements for the disposal of surface water;
- (b) in relation to the surface water, information about the design storm period and intensity, the methods to be employed to delay and control the surface water discharged from the application site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;
- (c) a management and maintenance plan for the lifetime of the development that secures the operation of the approved surface water drainage scheme throughout this time; and
- (d) a timetable for delivery.

The development shall only be carried out in accordance with the approved drainage scheme and the methods, measures and arrangements in the approved scheme shall at all times be retained and managed and maintained in accordance with it.

Reason: to protect the site and surroundings from impacts arising from surface water flooding in accordance with PP37 of the Poole Local Plan November 2018.

16 GN090 (Obscure glazing)

Both in the first instance and upon all subsequent occasions, the window(s) noted as obscured glazed on the approved plan (drawing no. 2238 44, drawing no: 2238 46, and drawing no: 2238 47) shall be glazed with obscure glass in a form sufficient to prevent external views and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening.

Reason -

To protect the amenity and privacy of the adjoining properties and in accordance with Policy PP27 of the Poole Local Plan (November 2018).

Informative Notes

1. IN72 (Working with applicants: Approval)

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/agents 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 application was acceptable as submitted and no modification or further assistance was required

2. IN74 (Community Infrastructure Levy - Approval)

Part 11 of the Planning Act 2008 and the Community Infrastructure Levy Regulations

The proposed development referred to in this Planning Permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (amended).

In accordance with CIL Regulation 65, the Local Planning Authority (LPA) will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which this Planning Permission first permits development. The Liability Notice will confirm the chargeable amount for the chargeable development referred to in this Planning Permission and will be calculated by the LPA in accordance with CIL Regulation 40 (amended) and in respect of the relevant CIL rates set out in the adopted charging Schedule. Please note that the chargeable amount payable in respect of the chargeable development referred to in this planning permission is a local land charge.

Please be aware that failure to submit a Commencement Notice and pay CIL in accordance with the CIL Regulations and Council's payment procedure upon commencement of the chargeable development referred to in this Planning Permission will result in the Council imposing surcharges and taking enforcement action. Further details on the Council's CIL process including assuming liability, withdrawing and transferring liability to pay CIL, claiming relief, the payment procedure, consequences of not paying CIL in accordance with the payment procedure and appeals can be found on the website: <https://www.bcpccouncil.gov.uk/Planning-and-building-control/Planning-policy/Community-Infrastructure-Levy/Community-Infrastructure-Levy.aspx>

3. IN81 (S.A.M.M. Approval)

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

4. IN84 (AA passed)

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.

5. IN21 (Protection of Bats)

All bats are fully protected under the Wildlife & Countryside Act 1981. Section 9 of the act makes it an offence to intentionally kill, injure or disturb a bat and to damage, destroy or obstruct access to any structure that is used by bats for roosting. Under the provisions of the Wildlife & Countryside Act 1981 you must consult Natural England, Dorset Hampshire & Isle of Wight Team, Rivers House, Sunrise Business Park,, Higher Shaftesbury Rd, Blandford Forum DT11 8ST if bats are found during demolition. In addition, all work must cease and if possible, part of structure that was removed and exposed bats put back into place. A bat ecologist shall also employed to address situation.

6. IN00 (Non Standard Informative)

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. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Bournemouth, Christchurch and Poole Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission does not require the approval of a biodiversity gain plan before development is begun because one of the statutory exemptions or transitional arrangements listed is relevant.

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 responses and representations submitted by the applicant in respect of the application. This does not include informal consultation responses or all communications.

Case Officer Report Completed: 22/11/2024

Officer: Frances Summers

Date: 22/11/2024

Agreed by: J Bishop

Date: 25/11/2024

Comment: