



Planning Committee

Application Address	Land South of A35 Upton Road Creekmoor Poole BH17 7AG
Proposal	Variation of condition Nos. 1, 2 and. 3 of planning permission APP/24/00641/F as described in that description of development to amend the permission to extend the limited period to 3 years starting from the date of this Section 73 Decision Notice, amending the site, building and court layout (reducing to 6 courts in total), reducing the scale and footprint of the building and amending the parking layout and footway link to the central island pedestrian crossing point
Application Number	P/25/01968/CONDR
Applicant	Cross Court Padel Limited
Agent	Mr Matt Annen
Ward and Ward Member(s)	Creekmoor Cllr Judes Butt Cllr Paul Slade
Report Status	Public
Meeting Date	4 December 2025
Summary of Recommendation	Refuse for the reason(s) set out below
Reason for Referral to Planning Committee	The development site is a council owned land Also, due to the original planning application being brought to planning committee on 10 th October 2024
Case Officer	Babatunde Aregbesola
Is the proposal EIA Development?	No

1. Description of Proposal

- Planning permission is sought for the variation of condition 1, 2 and 3 attached to planning permission APP/24/00641/F.

3. Condition 1:

This permission is limited to the period of 3 years starting from the date of this Decision Notice. Upon the expiry of this period of time, the temporary building hereby permitted, shall cease to operate. Within a month of the expiry of this permission, the building, along with all associated services (cycle stores, plant equipment, EV charging points and any other paraphernalia associated with its operation), shall be removed from the land and the land shall be restored to its previous state. The Local Planning Authority shall be advised in writing when the reinstatement of the site has been completed so that it can be checked on site. Reason – In order to preserve the land allocation of the site, in accordance with the provisions of Policy PP36 of the Poole Local Plan (November 2018). This condition is required to be imposed by the provisions of Section 91 of the Town and Country Planning Act 1990 and amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

4. Condition 2:

The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Elevations, Floor Plans & Location received on 07 Jun 2024 Roof Plan received on 07 Jun 2024 Site Location Plan received on 07 Jun 2024 Amended Car Parking Plan received on 24 Sep 2024 Site plan with air conditioning plant location received on 24 Sep 2024 Acoustic Report – Noise Impact Assessment received on 24 Sep 2024 DE Minimis Exemption Statement received on 02 Sep 2024

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

5. Condition 3:

Prior to commencement of the development hereby approved, the details of a minimum 2m wide footway link linking the site to the existing Upton Road central island pedestrian crossing point shall be submitted to the LPA for written approval. Those details shall include details of construction, drainage and surfacing of the footway which shall be built to Local Highway Authority adoptable standards. The approved works shall be fully implemented prior to the approved use commencing.

Reason: To ensure safe access to the site in accordance with Local Plan Policy PP35.

6. The proposal is seeking to make the following changes to the already approved scheme: The changes are summarised below:

- Amend the permission to extend the limited period to 3 years starting from the date of this Section 73 Decision Notice.
- Amendment to the number of padel courts proposed - reducing from 7 to 6 courts in total.
- Amendment to the parking layout
- Amendment to the footway link to the central island pedestrian crossing point
- Removal of the green wall

7. Description of Site and Surroundings

The application site known as Creekmoor Park and Ride facility was originally built around 2003 but has seen very limited use for that purpose. It has been used for various other temporary uses over the years including a temporary fire station 2007-8 and was last used as a regional COVID-19 testing facility 2020-2022. The site has been vacant and unused since the testing facility closed in April 2022.

The application site is located on a narrow triangle of land between Upton Road and A350 Upton Bypass. The Creekmoor Park and Ride site comprises two adjacent large areas of tarmac hardstanding with access roads. These tarmac areas are part of overall Park and Ride site

The hardstanding areas are laid out with parking spaces and punctuated by small rectangles of soft landscaping. The application site is located on towards the northwestern end of the park and ride site. To the south-east and north-east of the site are matured trees and hedging.

To the east is the remaining tarmac parking area of the Park and Ride site. To the south beyond a hedge is the dual carriageway A35/A350, with a field and the shore of Holes Bay beyond. To the west of the application site is a mini roundabout on Upton Road, which forms one of the two entrances to the park and ride site. Beyond this, the Upton Road runs alongside the dual carriageway up to the Upton Gateway Roundabout junction.

It is pertinent to note that construction has commenced on site based on the extant planning permission. However, the development is not yet completed according to the applicant and evidence present on site. The site is not fully operational and not open to the public.

8. Relevant Planning History:

9. 98/34305/000/P: Outline application to form Park and Ride Site. Approved.
10. 01/34305/001/W: Option A - Reserved matters application to construct car park for Park & Ride Scheme - Phase I (West of Copse) 535 spaces with vehicle access from Upton Road/Creekmoor Lane roundabout and bus access via signal crossing on the Upton Bypass, bus shelter and small security building. (amended by plans received 15/11/01, 3/1/02 & 10/1/02 with letter dated 10/1/02). W4/10.1.02
11. APP/24/00642/A: Advertisement application for 2 large banner signs on front and rear and 3 smaller signs on the 3 sides of the entrance canopy. - Withdrawn
APP/24/00641/F: Change of use for a new temporary indoor padel centre building for 3 years with ancillary changing café/bar and associated car parking. Approved.

12. Constraints

13. The entire site is allocated as a Park and Ride facility within Policy PP36 of the Poole Local Plan.

14. Public Sector Equalities Duty

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.

15. Other relevant duties

16. In accordance with regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) ("the Habitat Regulations), for the purposes of this application, 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.
17. With regard to sections 28G and 28I (where relevant) of the Wildlife and Countryside Act 1981, to the extent consistent with the proper exercise of the function of determining this application and that this application is likely to affect the flora, fauna or geological or physiographical features by reason of which a site is of special scientific interest, the duty to take reasonable steps to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest.

18. For the purposes of section 40 Natural Environment and Rural Communities Act 2006, in assessing this application, consideration has been given as to any appropriate action to further the “general biodiversity objective”.
19. 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.
20. For the purposes of this report regard has been had to the Human Rights Act 1998, the Human Rights Convention and relevant related issues of proportionality.

21. Consultations

22. BCP Highway Authority: No objection
23. Environmental Health: No comment
24. BCP Ecology: raised objection on the ground that the proposal to remove the green wall will contradict the aims of the National Planning Policy Framework (2024) paragraph 187 “which seeks that Planning policies and decisions should contribute to and enhance the natural and local environment.

25. Representations

26. Site notice was posted outside the site on 24 June 2025 with an expiry date for consultation of 15 July 2025. No representation made.

27. Key Issue(s)

The key issue(s) involved with this proposal are:

Principle of the proposed works

Impact on character and appearance of the area.

Highway Impacts

Ecology and Biodiversity Net Gain

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

29. Policy context

30. Section 38(6) of the Planning and 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 with the following:

31. Poole Local Plan (Adopted 2018)

PP1 Presumption in favour of sustainable development

PP2 Amount and Broad Location of Development

PP26: Sports, recreation and community facilities

PP27 Design

PP33 Biodiversity and Geodiversity

PP34 Transport strategy

PP35 A Safe, Connected and Accessible Transport Network

PP36: Safeguarding strategic transport schemes

PP37 Building Sustainable Homes and Businesses

PP38 Managing flood risk

PP39 Delivering Poole's Infrastructure

Supplementary Planning Documents:

BCP Parking Standards SPD (adopted January 2021)

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

33. Planning Assessment

34. Principle of development

35. After the previous application (APP/24/00641/F) was determined, the BCP Council formally withdrawn the draft BCP Local Plan and draft CIL Schedule. This decision was made at the Council meeting on 3 June 2025. A letter was sent to the Planning Inspectors confirming the decision.

36. The policies in the draft BCP Local Plan therefore no longer carry any weight. However, evidence supporting the draft Local Plan will potentially continue to carry a degree of weight (this will depend on matters such as which evidence it is, its relevance to a proposal and future changes in circumstance).

37. The Council has recently undertaken a public consultation on Strategic Transport Priorities for the BCP Council area. The current Creekmoor P&R site is cited in scheme B3 which outlines the use of the Creekmoor site for a Park and Ride operation to Poole town centre, as part of a package of measures to reduce traffic on the local road network.

38. The principle of the proposed development of the site has been established by the earlier approval of planning permission APP/24/00641/F. There have been no material changes to both national and local planning policy context and to the setting and condition of the site that would alter this previous assessment and give reason to object to the principle of the development.

39. The current planning application seeks a 3-year temporary consent. Such timescale is unlikely to prejudice the realistic timescale of the introduction of a strategic transport scheme on the site, as advised by the BCP Highways Authority. The renewal or extension of this permission can be considered before that 3-year date expiry date and at that time, subject to further consideration of any strategic transport proposals for the site.

40. As such, the principle for the proposed use as padel courts on site remains acceptable, subject to the temporary permission to use the site and the compliance of the revised scheme with the adopted policies. Condition 1 attached to previous planning permission (APP/24/00641/F) can therefore be altered accordingly.

41. Impact on character and appearance area

42. 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.

43. The locality may be described as an urban fringe location comprising a mix of built-up areas, woodland and other open greenspace and dominant transport infrastructure.

44. Of importance to the character and appearance of the building and area is the proposal to reduce the number of the courts provision within the site and the removal of the green wall.

45. The reduction in the number of padel courts from seven to six is considered acceptable, as it would lessen the overall site coverage and reduce the bulk of the development. However, the current proposal omits the previously proposed green wall, which was intended to soften the visual impact of the built form in terms of massing and bulk, particularly when viewed from the adjacent highway. The removal of this feature (green wall) is regarded as unacceptable because it would result in a development that appears prominent and overly dominant within the landscape.
46. It is considered that views of the building would primarily be transient, experienced by vehicles passing along the A350, as there is no pedestrian access or nearby residential development to make the view permanent. However, the site is currently open, framed by mature vegetation and devoid of built form, which contributes positively to the character of the area. As a result, long and uninterrupted views from the fire station roundabout and the A350 would remain, and the proposed development—unscreened and of considerable scale—would introduce a stark, visually intrusive feature. The external materials and massing would appear incongruous and discordant within this open rural setting, resulting in significant harm to the visual amenity and landscape character.
47. The absence of the green wall would diminish the visual amenity of the site, as the scheme in its current form fails to integrate effectively with its verdant surroundings. When viewed from the A350 Road, the development would appear excessively imposing, a perception exacerbated by the building's design, which provides no setback from the boundary adjacent to the highway, thereby reinforcing its dominance within the landscape.
48. Overall, the proposal represents poor design that would cause significant harm to the visual amenity of the area and conflict with the objectives of Policy PP27, which seeks to safeguard local character and appearance.
49. Highway Impacts
50. Policy PP34 encourages new development to be located within the most accessible locations, which are capable of meeting a range of local needs and will help to reduce the need to travel, reduce emissions and benefit air quality, principally in the town centre, district and local centres, employment areas and along sustainable transport corridors.
51. Policy PP35 encourages new development to maximise the use of sustainable forms of travel; provide safe access to the highway; accord with the Parking & Highway Layout in New Development SPD.
52. The current proposal is seeking changes to the parking layout and footway link to the central island pedestrian crossing point.
53. The development would continue to use the existing access. Following consultation, the Highway Authority has confirmed that the revised parking layout provides 34 car parking spaces. Given that the original approval required a minimum of 32 spaces under Condition 14 and noting that the current proposal includes one fewer playing court, this revision to the parking layout is considered acceptable by the Highway Authority.
54. In addition, the revised pedestrian pathway linking to the main road represents an improvement over the previous arrangement, as it now offers a shorter and more direct route from the pedestrian refuge crossing point on the main road to the building entrance.
55. Having been consulted, highway authority raised no objection to the changes proposed in terms of parking provision and highway safety to all road users.
56. Overall, given the temporary nature of use of the proposed development, the proposed development would be in line with the provisions of the Policies PP34, PP35 and PP36 of the Poole Local Plan.

57. Biodiversity

58. 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 Policy PP33 – biodiversity and geodiversity, sets out policy requirements for the protection and where possible, a net gain in biodiversity.
59. There are no protected species on the site that would be adversely affected by the development. Consequently, the proposal is unlikely to cause harm to any protected species and would therefore comply with Policy PP33 of the Poole Local Plan.
60. In addition, the Environment Act 2021 requires a 10% biodiversity net gain (BNG), although certain exemptions apply. This proposal falls under the *de minimis* exemption for developments below the threshold, as it does not affect any priority habitats and impacts less than 25 square metres (5m x 5m) of on-site habitat and less than 5 metres of on-site linear habitats such as hedgerows.
61. Accordingly, the development is exempt from BNG requirements and would have no impact on priority habitats.
62. Furthermore, BCP Ecology has been consulted on the scheme and advised that the green wall, previously approved as part of the original scheme, would meet the requirements of the National Planning Policy Framework (2024) paragraph 187 "Planning policies and decisions should contribute to and enhance the natural and local environment: by minimising impacts on and providing net gains for biodiversity" and Poole Plan Policy PP33 "enhance biodiversity".
63. The proposed removal of the green wall from the current scheme is unacceptable as it would fail to enhance the biodiversity net gain within the site.
64. Therefore, the green wall must be retained in accordance with National Planning Policy Framework (2024) paragraph 187 "Planning policies and decisions should contribute to and enhance the natural and local environment: by minimising impacts on and providing net gains for biodiversity" and Poole Plan Policy PP33 "enhance biodiversity" and to break up visual impact
65. The proposal, in its current form is therefore unacceptable and would not accord with the aims of Policy PP33 Poole Local Plan.

66. Other matters

67. The proposal to vary condition 2 (approved plans) attached to the previously approved scheme APP/24/01077/F would have no further impact on the previously assessed matters of amenity, sustainability, drainage, and waste collection arrangements of the approved scheme. Previously imposed conditions remained relevant in these matters.
68. Furthermore, it is important to note that the following conditions attached to the previous planning permission APP/24/01077/F have been fully discharged and would be complied with should the current application be recommended for approval:
69. Condition 9: Contaminated Land
70. Condition 12: Tree Protection
71. Condition 13: Drainage Works
72. In the case that the proposal is approved, the applicant would be required to comply with the details of the conditions already approved by the Local Planning Authority.
73. Condition 7 attached to the previous permission APP/24/00641/F will no longer be required should planning permission be granted as these matters are now covered by building regulations and therefore the applicant should ensure all Electric Vehicle Charging Points details comply with the relevant Building regulations.

74. Planning Balance / Conclusion

75. The Council promotes sustainable development, and the National Planning Policy Framework (NPPF) places a presumption in favour of such development at its core.
76. The proposal would deliver some economic benefits during construction and support healthy living for residents, thereby providing associated wider social benefits.
77. However, the removal of the green wall from the building's external façade is considered unacceptable. The green wall was intended to soften the massing and bulk of the built form and assist in integrating the development with its surrounding landscaped features and enhance biodiversity net gain. Its omission would result in a building that appears overly prominent within the landscape and fails to preserve the character of its immediate setting.
78. For these reasons, the proposal is considered to have an adverse impact on the character of the area, contrary to Policy PP27 of the Poole Local Plan and guidance within the NPPF. While the Local Planning Authority acknowledges the wider benefits of the scheme, it has a duty to ensure that new development respects and preserves local character and encourage development that enhance natural and local environment through biodiversity net gain in accordance with Policy PP33 of Poole Local Plan. In this instance, the applicant has not provided sufficient justification for removing the green wall.
79. On balance, the harm to the landscape and environment issues are considered to outweigh the benefits of the proposal. The application is therefore recommended for refusal.

Recommendation

80. The proposal is recommended for Refusal for the following reasons;
1. The removal of the green wall from the building's external façade is considered unacceptable, as the revised design would conflict with its immediate landscape setting and fail to preserve the distinct character of its location. The development would appear overly dominant when viewed from the A350 Road, a perception further reinforced by the building's lack of setback from the boundary adjacent to the highway. Accordingly, the proposal is contrary to the objectives of Policy PP27 of the Poole Local Plan and guidance within the NPPF.
 2. The removal of the green wall is unacceptable as it would fail to enhance the biodiversity gain within the site. Therefore, the proposal would contradict the aims of Policy PP33 Poole Local Plan and Paragraph 187 of the National Planning Policy Framework (2024) which altogether seeks that "Planning policies and decisions should contribute to and enhance the biodiversity, natural and local environment.

Informatives

1. For the avoidance of doubt the decision on the application hereby determined was made having regard to the following plans:
Pavement & Walkway Route received on 12/06/2025
Amended Site Plan received on 12/06/2025
Amended Elevations received on 12/06/2025
Amended Floor Plans received on 12/06/2025
2. In accordance with paragraph 39 of the revised NPPF the Council, as Local Planning Authority, takes a positive, creative and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-

application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. In this instance:

The proposal did not accord with the development plan and that there were no material planning considerations to outweigh these problems.

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 related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes.

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included

Case Officer Report Completed

Officer: Babatunde Aregbesola

Date:

Agreed by:Katie Herrington

Date: 24/11/2025

Comment: