



Appeal Decision

Site visit made on 2 December 2019

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2020.

Appeal Ref: APP/Q1255/W/19/3236677

6 New Quay Road, Poole BH15 4AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Ward, Sunseeker Charters Ltd. against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/18/01538/P, dated 27 November 2018, was refused by notice dated 12 August 2019.
 - The development proposed is demolition of the existing dwelling and the erection of a 3 storey building comprising offices (to be used in connection with port related activity) on the ground floor and 8 x 1 no self contained flats with associated vehicular access and parking and footpath widening.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application and appeal forms indicate that application was made to the Borough of Poole Council. However, as a consequence of local government reorganisation in the area, the decision notice is clear that the application was determined by Bournemouth, Christchurch and Poole Council. This is reflected in my banner heading above.
3. The appeal relates to an application for outline planning permission. Approval is sought for all matters other than landscaping. Therefore, I have treated the submitted plans as a firm indication of the proposal.

Application for costs

4. An application for costs was made by Mr D Ward, Sunseeker Charters Ltd. against Bournemouth, Christchurch and Poole Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are:
 - (i) The effect of the development on the economic prosperity of Poole Port;
 - (ii) The effect on the character and appearance of the area, with particular regard to the proposed loss of the locally listed building currently standing on the site; and

- (iii) Whether the proposal would provide adequate storage for refuse.

Reasons

Poole Port

6. There is no dispute that the site is within an area allocated under Policy PP17 of the Poole Local Plan 2018 (LP) for employment uses within Use Classes B1, B2 and B8. LP Policy PP19 sets out that the Council will support the growth of Poole Port as a regionally significant feeder port, including through permitting proposals for port-related activities. Whilst it may not be possible to secure occupancy of the office accommodation by a port-related business, the Council is content that office uses would not cause a conflict with these policies.
7. The proposal also includes substantial residential development. The proposed residential floorspace would exceed the commercial element and, whilst viability has been mentioned, there is no robust evidence as to why it needs to be included. Residential development is not a port-related activity as set out at LP paragraph 7.26, which introduces Policy PP19, and so does not have the support of this policy.
8. However, the site, a former public house, is now authorised to be used as a dwelling. Its current use does not, therefore, contribute to the economic prosperity of the port as envisaged by LP Policy PP19. Nor is it undeveloped land that would otherwise be available for development that fully complied with Policy PP17. Moreover, the development would provide an increase in Policy PP17 compliant B1 floor space when compared to the existing situation.
9. The various activities at the port have the potential to generate significant noise and disturbance at all times of day and night. As a point of principle, I can appreciate that residential uses within such an area could prejudice the future expansion of some activities or the establishment of other noisy businesses within the area. Such could, therefore, have an effect on the future economic prosperity of the port area, which is said at LP 7.22 to be a vital economic asset to Poole and the wider sub-region.
10. However, the site is at the extreme edge of the port area as seen on the ground, and adjoins other existing residential development. It is already in residential use. There is no substantive evidence as to why an increase in the number of noise sensitive receptors at the site would have a greater constraint on development or activities elsewhere within the port, especially given the proximity of other dense residential development.
11. The site is also close to the freight rail link into the port. LP Policies PP19 and PP36 seek to safeguard the rail link and resist development that would prejudice its use for freight handling. Development at the site would not physically obstruct or prevent use of the rail link. As with other port activities, disturbance to nearby residents could prejudice the establishment of noisy operations. However, in addition to those immediately adjoining residential properties, there is also a large area of flatted development nearby, parts of which are closer to the railway than the appeal site. In this context, whether or not those flats were outside the defined port area, there is no clear reason why more intense residential development at this site would be a significant constraining factor on future rail operations.

12. I understand that a previous appeal¹ at the site was partly dismissed on the grounds that the development would prejudice the economic prosperity of the port. However, the Council's officer report suggests that the development was wholly residential, the decision was over 10 years ago before permission was granted to change the use of the site to a dwelling, and I have little information about the particular circumstances or balance of considerations that were before that Inspector. Therefore, I attribute limited weight to this element of the planning history.
13. In light of the above, I find no compelling evidence that the development would prejudice the future economic prosperity of Poole Port. Nor, given the existing use of the site, would it present any meaningful conflict with the aims of LP Policies PP17 or PP19 that seek to provide employment opportunities and support the growth of the port.

Character and appearance

14. The site is at a visual junction between closer knit domestic scale architecture and the more sprawling less cohesive development within Poole Port. Whilst the port area displays no prevailing architectural style or building form and some of the buildings are extremely large and bulky, the area to the other side of the appeal site looks to be formed of mainly residential buildings, a number of which appear to be contemporary with that on the site.
15. The Council's officer report outlines that the current building was a former public house dating back to the early 19th Century. It has been locally listed for its architectural as well as historic and social significance. Despite obvious deterioration in its fabric, it is an attractive building with period detailing and some notable design features. Whilst the former use of the building may now only be a matter of public record, the building still makes a positive contribution to the character and appearance of the area and is an indication of the area's smaller-scale past. There is some indication of the local value of the building evident in the Poole Quays Forum's objection to the proposal.
16. However, without any statutory protection, listing having been recently declined by Historic England, the building could theoretically be demolished at any time. Prior approval has been granted by the Council and so the appellant's ability to carry out demolition works is a material consideration. I am aware that in other scenarios², Inspectors may have placed significant weight on this potential fallback position. However, in this case, there is no firm evidence of an intention to demolish the building in the absence of an approved redevelopment scheme. I, therefore, attribute limited weight to this possibility.
17. The proposal would result in total loss of the asset and its significance and, therefore, would conflict with LP Policy PP30 that requires development affecting locally listed buildings to enhance or better reveal the significance and value of the site.
18. Turning to the replacement building, the Council raises a number of design concerns. However, given the relationship to the wider port, and that there is other more modern development between it and the other historic properties in the area, the proposed architectural style would not look out of place. I note

¹ Relating to LPA Ref: 07/13100/005/P

² Such as an appeal at 40 Florence Road, Bournemouth, appeal ref: APP/G1250/W/17/3191922

- that whilst suggesting that the appearance would be boxy and bland with little articulation, the Council also indicates that the use of brick and balconies would break up the façade to some extent and that the increased ground floor glazing would appear more visibly active and enhance the vitality of the street scene.
19. Ultimately, given the overall scale of the building, the front elevation would not be large enough to become monotonous. Nor would the width of the undercroft access to the rear parking area be unusually large or particularly dominating, within the façade as a whole. Accordingly, I find that the positive design features that the Council has identified are sufficient to break up the façade.
20. The setting back of the building on the site would not relate to the adjoining residential buildings and would weaken the definition that they provide to the street and adjoining area. However, such enclosure or street definition is not a feature of the port area, which exhibits large expanses of hard surface. As there is no dispute that the height and bulk of the building would be appropriate, I find that no harm to the character and appearance of the area would arise from the proposed design approach. As such, there would be no conflict with those aspects of LP Policy PP27, or Policies PQF1 or PQF3 of the Poole Quays Forum neighbourhood Plan 2017 (NP) that seek to promote high quality design that pays respect to its context.
21. I have found that the proposed building would not, in itself, cause harm to the character and appearance of the area. There is no clear evidence, however, that it would go beyond this to be a particularly innovative or outstanding design, that would make a strong positive contribution to the character, or significant improvement to the visual appearance of the area. Matters relating to the specific design of the new building are, therefore, neutral in the planning balance. As I have found that there would be harm resulting from the loss of the locally listed building, harm would arise in respect of the character and appearance of the area, considered overall.

Refuse storage

22. The plans indicate that refuse would be stored for the commercial and residential units towards the rear of the site. The Council acknowledges that the size could be increased to ensure that adequate provision is made, but raises a concern about the distance of the store from the highway. The Council's guidance on the storage and collection of waste³ sets out that waste collection operatives will move communal wheeled bins from their permanent storage space for collection providing that the distance is no greater than 10m from the nearest kerbside or stopping point of the collection vehicle.
23. However, whilst the Council may have a statutory duty to collect residential bins, the guidance implies that it would be incumbent upon the site operator to ensure that the bins were within 10m of the vehicle. The appellant suggests that private management arrangements, which may include private collection, would negate the need to comply with such a requirement in terms of the location of the stores.
24. The bin store would be conveniently located for use by the residents and whilst the site operator and/or occupiers may need to ensure that adequate

³ Borough of Poole Waste Collection Authority Guidance Document: Storage and Collection of Waste in New Developments

arrangements are made to facilitate collection, I do not, therefore, find a conflict with that part of LP Policy PP27 that seeks to ensure adequate provision is made for waste and recycling arrangements.

Other matters

25. The proposal would provide additional housing in an accessible location with convenient access to facilities and public transport. Certain development plan policies encourage the intensification of residential uses in such areas. The National Planning Policy Framework (the Framework) seeks to increase the supply of housing and such is, therefore, a benefit. However, there is no substantive evidence that there is a particular unmet housing need for the type of accommodation proposed or generally. Ultimately, despite my findings in respect of the first main issue, this is not an area where the development plan intends to provide housing, the area being allocated for other uses. Therefore, these benefits receive only limited weight.
26. There would be an increase in office floor space within an area allocated in the LP for such uses, which would bring economic benefits. I note that the appellant is connected to the boat building business that operates from substantial manufacturing premises on the opposite side of New Quay Road. Letters have been provided confirming their interest in taking a lease in the ground floor office space. I can appreciate the convenience that the premises would bring to the business, although I have no firm evidence as to their existing arrangements, their immediate or long-term business requirements. The letters of support suggest that ideally greater office space would be required and as such, they do not give a clear indication that the proposal would be significantly beneficial to this important local business. I, therefore, attribute only limited weight to these benefits.
27. I note suggestions that the current owner of the building cannot afford to make repairs to the fabric of the building and that this has contributed to its visible deterioration. There are also comments in the appellant's evidence that the ultimate form of the proposal is partly driven by viability considerations. However, there is no substantive evidence to support these assertions. Nor is there any obvious consideration of alternatives that would see the building retained as part of some alternative development scheme, that may also offer the suggested economic benefits. I, therefore, attach limited weight to these matters.
28. The proposal would allow a widening of the footway past the site which would improve accessibility to footway users. However, this is an historic situation and there is no particular evidence of accessibility concerns in the area. Therefore, I attribute only limited weight to these benefits.

Planning balance

29. I have found no harm to the economic prosperity of Poole Port, and no harm in respect of the proposed refuse provision arrangements. These matters are neutral in the planning balance. However, there would be harm to the character and appearance of the area and conflict with LP Policy PP30 as a consequence of the loss of the locally listed building.
30. The Framework sets out at Paragraph 197 that in weighing applications that affect non-designated heritage assets, a balanced judgement will be required

having regard to the scale of any harm or loss and the significance of the asset. Being only locally listed, the asset does is not so significant as statutorily listed buildings and its significance is further undermined by the absence its former use. However, without evidence of any clear attempt to retain the building in any form of viable ongoing use, I find little justification for its loss. I, therefore, attribute moderate weight to the harm to the character and appearance of the area.

31. Against this are the benefits of the scheme that I have outlined. However, as they only receive limited weight, I find that they do not outweigh the harm that I have identified. The development plan must be considered as a whole, and there is clear support for more intense residential development in accessible locations. However, given the overall policy context for the appeal site referred to above, there is no clear support for this development on this site. I, therefore, find that the development plan, considered as a whole, indicates that permission should be refused. Other material considerations, including the benefits and the policies of the Framework taken as a whole, do not indicate a decision otherwise than in accordance with the development plan.
32. The Council have also noted that harm to European Nature Conservation Sites could arise if the development were allowed to proceed without appropriate mitigation. To that end, the appellant has provided a planning obligation seeking to mitigate such impacts. However, in light of my other findings, such harm would not arise so I do not consider this matter any further.

Conclusion

33. For the reasons given above I conclude that the appeal should be dismissed.

M Bale

INSPECTOR