



Appeal Decision

Site visit made on 10 November 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/V1260/W/20/3255917

Sunnyhill Community Church, Sunnyhill Road, Poole BH12 2DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Planning Base Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/18/01535/P, dated 24 November 2018, was refused by notice dated 2 June 2020.
 - The development proposed is to demolish former church buildings and erect 7 no. dwellings.
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Decision

1. The appeal is allowed and planning permission is granted to demolish former church buildings and erect 7 no. dwellings at Sunnyhill Community Church, Sunnyhill Road, Poole, BH12 2DH in accordance with the terms of the application, Ref APP/18/01535/P, dated 24 November 2018, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Procedural matters

2. The application was described on the application form as being for the erection of 10 dwellings. That changed during the Council's consideration of the application. The description of development in my heading and formal decision, therefore, reflects that on the appeal form and Council's decision notice.
3. The appeal relates to an application for outline planning permission with all matters reserved. Plans have been provided which I have treated as illustrative.

4. Although the ownership of the site may have changed, my heading reflects the details given on the appeal form.

Main Issue

5. The main issue is the effect on the provision of community facilities or services.

Reasons

6. The site is occupied by two buildings formerly used as a church and pre-school/children's nursery. The church use ceased some years ago, the pre-school/nursery use much more recently. Although the pre-school/nursery sought to relocate within the local area, there is no substantive evidence that it has yet managed to secure premises with an appropriate planning permission. Therefore, demolition of the building would result in a loss of the facility. A reduction in pre-school providers would limit parent's choices, could increase costs and may make it harder to find places at the required times.
7. Policy PP26(3) of the Poole Local Plan 2018 (LP) seeks to retain sites currently or last used for community facilities. The wording of the policy relates to the site rather than a specific use. It indicates that development leading to the loss of such premises will only be permitted where the proposals provide sufficient community benefit to outweigh the loss of the existing facility or service. In addition one of two further criteria must be met.
8. The second listed criterion relates to need and the feasibility of supporting its continued existence. Given uncertainties over premises for the former occupier and a lack of robust analysis about the viability of re-providing a preschool/nursery use as part of a wider redevelopment, compliance with this criterion is not demonstrated.
9. The first criterion is that there would not be a substantial decline in the range of facilities and services for local people. The appellant's Community Resource Analysis Report¹ identifies a wide range of community facilities within the area. The extent of the area surveyed is poorly defined and the facilities listed include numerous buildings that would not provide the same sort of use as a church hall might. However, a large number of 'clubs and premises', and 'hall and premises' are recorded and the reason for refusal is focussed on childcare provision, not halls.
10. A 2019 Childcare Sufficiency Assessment (CSA) and Briefing Paper produced by the Council identified a fall in birth rate across Bournemouth, Christchurch and Poole (BCP). This may reduce demand but would not necessarily be universal across the area.
11. The Newtown and Heatherlands Ward, within which the site is located, recorded the greatest number of births. This may be indicative of ongoing demand for childcare within the immediate locality, but it does not necessarily indicate an increase. Nor does it equate to inadequate supply. The CSA also shows one of the highest number of available places within the same ward, suggesting substantial provision in the area. Growing waiting lists have been mentioned, but there is no substantive evidence to support this.

¹ Produced by Richard Sturt, March 2019

12. A recent occupancy survey indicated capacity within the area, although that was only a snapshot in time. Caution must be exercised as the demand for pre-school/nursery places is fluid. Nevertheless, the Council's education officers indicate that, prior to the Covid-19 pandemic, the supply-demand situation was good. The pandemic introduces significant uncertainty, and, along with any changes to Government funding policy, may increase demand. However, at the present time, the true effects are unknown and such speculation has little influence on my decision.
13. With regard to the above considerations, I find that the proposal would not result in a substantial decline in the range of facilities and services for local people. Therefore, the first criterion in LP Policy PP26(3) is met.
14. The supporting text to LP Policy PP26, at LP Paragraph 8.16 indicates that community benefits can take the form of affordable housing. One unit would be provided, secured via a planning obligation. The paragraph explains 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.
15. Although the benefit from a single affordable house would be small, I have found that there would be no substantial decline in the range of facilities and services. There would, therefore, be no demonstrable harm from the loss. In that context, I conclude that the community benefit provided would outweigh the loss of the existing facility or service and there would be no conflict with LP Policy PP26.

Other matters

16. Sunnyhill Road is narrow. Extensive on-street parking further restricts its width, which also obscures visibility. However, there are parking restrictions around site access. Access and layout are reserved matters and, based on the illustrative plans, there is no reason to conclude that adequate parking and visibility could not be provided. Various highway conditions were suggested within the consultation responses, but they can be considered in detail at reserved matters stage, with conditions imposed then, if necessary.
17. Likewise, there is no substantive evidence that the site could not be laid out so as to preserve the privacy of neighbouring residents and future occupiers of the site, or the existing landscape features that may also have some wildlife interest. These can be considered in detail through assessment of the reserved matters relating to layout and landscaping.

Appropriate assessment

18. The site is within 5km of the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, and the Dorset Heaths Special Area of Conservation (the Dorset Heathlands European sites). It is also in close proximity to the Poole Harbour SPA and Ramsar site (the Poole Harbour European sites).
19. The Dorset Heathlands European sites host protected priority habitats and species. Qualifying features include Dartford Warbler, Nightjar, Woodlark, Hen harrier and Merlin as well as other typical species of lowland heathland, wetlands and dunes. Their conservation objectives include ensuring the integrity of the sites is maintained, and that the sites contribute to achieving the favourable conservation status of their qualifying features.

20. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (DHPF), indicates that the associated increases in population, in combination with other development, are likely to place increased pressure upon the protected heathland, including through increases in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion, and disturbance by humans and their pets.
21. Similarly, increased recreational pressure on parts of Poole Harbour is likely to have a significant effect upon the Poole Harbour European sites. These are designated for their internationally important populations of regularly occurring species and migratory species. Particular features of interest include Common Shelduck, Pied Avocet, Black-tailed Godwit, Mediterranean Gull, Common Tern, Little Egret, Eurasian Spoonbill, and Sandwich Tern. There is also an internationally important assemblage of waterfowl including Dunlin, Redshank and Brent Goose, as well as supporting habitats for seagrass, shallow inshore waters including coastal lagoons, intertidal sediments, saltmarsh, and reedbeds.
22. The DHPF and the Poole Harbour Recreation 2019-2024 Supplementary Planning Document set out that mitigation measures can be achieved through the delivery of Heathland Infrastructure Projects and Poole Harbour Infrastructure Projects, paid for through the Community Infrastructure Levy (CIL), and Strategic Access Management and Monitoring Measures (SAMMs). The submitted planning obligation would secure financial contributions towards the necessary SAMMs.
23. In addition, extra nitrogen loading on Poole Harbour, including from human sewage discharge has been shown to contribute to growth of wide spread algal mats through eutrophication. The mats restrict the growth, distribution and variety of important food available for wading birds and affect other important features and processes.
24. The Nitrogen Reduction in Poole Harbour Supplementary Planning Document (NRPH) 2017 sets out a package of mitigation measures to ensure nutrient neutrality across new developments, such as improving nitrogen stripping at Sewage Treatment Works and offsetting the increase through converting high nitrogen input land uses to low input uses. The NRPH indicates that individual councils have the responsibility to ensure that sufficient mitigation, which would be funded by CIL, is in place prior to occupation of the development.
25. Natural England, as Statutory Nature Conservation Body, were consulted during the application process and indicated that the mitigation set out above would be appropriate. Therefore, following appropriate assessment under the Conservation of Habitats and Species Regulations 2017, I am satisfied that the proposal would adequately avoid adverse effects on the integrity on the Dorset Heathlands and Poole Harbour European Sites.

Conclusion

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

M Bale

INSPECTOR