



Appeal Decision

Site visit made on 17 December 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/V1260/W/24/3339597

St. Peters Church Hall, 10 Chapel Road, Poole BH14 0JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Paul Bloomfield, Ashdrew Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00382/P.
 - The development proposed is demolish Church Centre and replace with a new development of 4 houses with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted to demolish Church Centre and replace with a new development of 4 houses with associated parking at St. Peters Church Hall, 10 Chapel Road, Poole BH14 0JU, in accordance with the terms of the application Ref APP/23/00382/P and subject to the schedule of conditions attached to this Decision.

Preliminary Matter

2. The application was made in outline with landscaping reserved for future determination. As far as any details of landscaping have been provided on the submitted plans, I have treated these as indicative.

Main Issues

3. The main issues are:
 - i) The effect of the proposal on the provision of community facilities or services, and;
 - ii) The effect upon the integrity of the Dorset Heathlands Special Protection Area ('SPA'), Ramsar Site, and the Dorset Heaths Special Area of Conservation ('SAC') and the Poole Harbour SPA and Ramsar Site.

Reasons

Community facility

4. Policy PP26(3) of the Poole Local Plan 2018 ('LP') seeks to retain sites currently or last used for community facilities. It identifies that development which leads 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 parts of this Policy must be met: 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.

5. The supporting text to the above Policy indicates that community benefits are not limited to but 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. As to what constitutes a community benefit and whether this outweighs the loss is a matter of judgement for the decision maker.
6. In this case, based on its history and my observations, the appeal site is occupied by a purpose built, long-standing and valued community facility ('the Church Centre').
7. I am also aware of a previous planning application and a subsequent dismissed appeal Ref: APP/V1260/W/23/3318201. These also relate to the appeal site and a proposal to demolish the Church Centre and replace this with a new development of 6 houses.
8. In the dismissed appeal, the Inspector found that the proposal would deliver sufficient community benefit to outweigh the loss of the existing facility, and that whilst it was not adequately demonstrated that the facility is no longer needed and it is not feasible to support its continued existence, the proposal would not result in a substantial decline in the range of facilities and services for local people. Therefore, the Inspector concluded that the proposed loss of the Church Centre would comply with PP26(3) of the LP. As such, the Council are no longer pursuing their first reason for refusal, which forms the basis of this main issue.
9. The above dismissed appeal and the Council's decision not to pursue its first reason for refusal attract substantial weight in respect of this main issue in favour of the appellant. Nonetheless, I have also considered this main issue in light of Policy PP26(3) of the LP and the submissions before me.
10. The appellant refers to the benefits that would be derived from the re-investment of the funds generated from the sale of the Church Centre at 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.
11. There is no planning mechanism before me, such as a Section 106 Agreement in place to ensure that the funds generated from the sale of the appeal site would be re-invested into the reordering project at St Peter's Church. However, on the information before me, 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 reordering project is cited as one such example.
12. Therefore, like the previous Inspector, I concur that given the unique nature of the land ownership of the appeal site, 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.
13. 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.

14. Furthermore, I have no 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. This includes the installation of fully enclosed unisex toilet cubicles. Therefore, I am satisfied that the reordering project would be a community benefit.
15. Although the proposed scheme would not deliver affordable housing, given that the Council cannot demonstrate a five-year housing land supply at present, the provision of four new dwellings would also be a benefit for the wider community and weighs in favour of the proposal.
16. With regard to part (b) of LP Policy PP26, the appellant asserts that the Church Centre has generally been operating at a loss over recent years and that this building needs substantial investment to bring it up to the required standard. Indeed, at the time of my visit the Church Centre was not being used. Nevertheless, it is clear from the evidence that there is a strong need for community space within the area and that the appeal building has adequately met this need over a considerable number of years.
17. Also, there is no evidence 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. Overall, I concur with the previous Inspector that whilst such alternative proposals may ultimately prove to be unviable, without this evidence, I am unable to conclude that it is not feasible to support the continued existence of the Church Centre. 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 part (b) of LP Policy PP26(3) is not demonstrated.
18. Prior approval for the demolition of the Church Centre has been granted. Should this happen, the community use would be lost. Nonetheless, there is nothing to suggest that the building would remain untouched should I dismiss the appeal. Equally, there is no reason for me to conclude that demolition would occur. Therefore, and in the absence of a permission for its redevelopment, I attach limited weight to the position that the building could be demolished.
19. In respect of part (a) of PP26(3), the appellant has identified a number of nearby facilities, which include St Peter's Church, which would be available to local people.
20. The principal element of St Peter's Church comprises the nave, which is a cleared large space, bigger than the hall at the Church Centre. In my view, because of its size, this space offers a degree flexibility to be adapted to suit some individual user's requirements. Moreover, it appears that some of the community users which were using the Community Centre are already using this space at St Peter's Church. Therefore, St Peter's Church represents a suitable facility for local people to use.
21. Third parties have suggested that St Peters Church has not been able to attract all of the regular users of the Church Centre. However, I am mindful the reordering project is not yet complete and that some of those users may have found more suitable alternative premises.

22. St Peter's Church may have some limitations for example a smaller kitchen, lack of usable outdoor space and parking, relative to the Church Centre and this may not be suitable for all the groups/organisations which were previously using the Church Centre. Nevertheless, I do not find these to be so substantial as to lead me to conclude that it would significantly restrict the range of activities and uses that could take place within it.
23. In addition to St Peter's Church, the appellant has referred me to a number of other alternative spaces which they consider would be available within about 500m of the appeal site. From the evidence, these include a range of buildings and facilities, some of which are different in their nature to the appeal site.
24. Whilst some of these individual alternative facilities may not be suitable for a specific group, together with St Peters Church, these provide a variety of facilities that would be available to accommodate the range of users which would have used the Church Centre.
25. Therefore, in relation to part (a) of LP Policy PP26(3), I acknowledge that the loss of the Church Centre is likely to result in some change, including the type of building and the spaces available to local people. Even so, there are other facilities, including St Peter's Church, which are available within the area, and given the presence of these facilities I do not find that the loss of the community facility on the appeal site would result in a substantial decline in the range of services and facilities available to local people.
26. Drawing on the above reasons, it has not been adequately demonstrated that the Church Centre is no longer needed and it is not feasible to support its continued existence. However, I have found that the loss of the existing community facility would not result in a substantial decline in the range of facilities and services for local people. Accordingly, and in my view, the provision of the reordering project at St Peters Church and the new housing arising from the proposal, would deliver sufficient community benefits to outweigh the loss of the existing facility. Therefore, the proposal accords with Policy PP26(3) of the LP.

Dorset Heathlands and Poole Harbour

27. The appeal site is within 5km of the Dorset Heathlands SPA and Ramsar Site and Dorset Heathlands SAC, and the Poole Harbour SPA and Ramsar Site.
28. The Dorset Heathlands are an extensive network of lowland heath recognised for their importance for nature conservation. Poole Harbour is a natural harbour which is inhabited by important bird species. As such, both Dorset Heathlands and Poole Harbour are recognised by the Conservation of Habitats and Species Regulations 2017 (the Act) as areas of international importance.
29. Natural England advises that additional residential development within 5km of the above sites and associated recreational activity is likely to have a significant effect on the Dorset Heathlands and Poole Harbour either alone or in combination with other proposals.
30. Adopting a precautionary principle and without mitigation, new residential development is likely to have a significant effect on the sensitive interest features of the habitat sites, from human pressures and increased nitrogen levels either alone or in combination with other proposals causing harm to nature conservation. It is

necessary for me, as the competent authority for the purposes of the Act, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SPA, Ramsar and SAC sites.

31. The Dorset Heathlands Planning Framework Supplementary Planning Document ('DHPFSPD') and Poole Harbour Recreation Supplementary Planning Document ('HRSPD') provide a strategic mitigation framework to secure the appropriate avoidance or mitigation measures. The documents set out Strategic Access Management and Monitoring Measures which require a mitigation payment per residential dwelling from all new development within close proximity to the protected habitat sites.
32. Provided mitigation can be secured, in the form of a developer contribution, it can be concluded that proposals would not have an adverse effect on the integrity of the habitat sites from recreational disturbance, when considered either alone or in combination with other proposals.
33. The appellant has submitted a signed and dated Unilateral Undertaking ('UU') which commits them to making financial contributions towards measures outlined in the DHPFSPD and the HRSPD. I have also consulted Natural England on this who have advised that that the UU provided by the applicant which is in accordance with the mitigation strategies for the Dorset Heathlands SAC, SPA and Ramsar and Poole Harbour SPA and Ramsar as set out in established Supplementary Planning Documents will secure the necessary mitigation.
34. Therefore, I am satisfied that the financial contributions would sufficiently mitigate the development's impact. As such, whilst the development would have a likely significant effect on the integrity of the above mentioned SPAs, Ramsar Sites and SAC, this would be adequately mitigated through the financial contributions secured by the submitted UU.
35. Therefore, the proposal would accord with LP Policies PP32 and PP39, which, amongst other things, set out that developments would be permitted where it can be ascertained that these would not adversely affect the integrity of nationally, European and internationally important sites.

Other Matters

36. In addition to some of the matters addressed above, third parties have raised concerns in respect of a number of other issues. Whilst these issues did not form part of the Council's reasons for refusing the application, I have considered these.
37. The proposed development would involve the replacement of the existing single storey Church Centre on the site with four dwellings.
38. On the information before me, the appeal site falls within a sustainable transport corridor where the intensification of housing is promoted. The surrounding area is predominately residential and comprises a mix of styles of dwelling types and 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 Ashley Cross Conservation Area ('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.

39. Based on my observations the significance of the ACCA is largely derived from the history and quality of its buildings.
40. The proposed dwellings due to their two-storey, detached forms with individual gardens to the rear, would reflect the broad form and arrangement of the adjacent detached dwellings along Chapel Road. Although the proposed dwellings would be positioned closer to the road than the Church Centre, in my view, this layout would provide an appropriate transition of the building line between development to the south and that to the north of the appeal site, along Chapel Road.
41. The southern part of the appeal site currently comprises an undeveloped and open area. This area would incorporate 'House 1'. The side gable of this property includes some detailing. This, along with the proposed low boundary treatment would add some interest to the street scene. These built forms would also be complemented by the spacious garden of this property which wraps around three of its sides. Together, this arrangement would complement the setting of the ACCA to the south.
42. Because the area to the north of the Church Centre would largely be used as a turning and parking area, this would continue to retain a degree of openness.
43. The principal elevations for the proposed dwellings take cues from the surrounding vernacular, which include gable features, brickwork detailing, and timber porches. As such, the individual properties are suitably detailed and together these would introduce a degree of cohesiveness to the street scene.
44. Overall, the built form of the proposed development, would be an improvement on the quality of the Church Centre. Furthermore, there would an opportunity to further enhance the proposed development and area with an acceptable scheme for landscaping at reserved matters stage, should this appeal succeed.
45. For the above reasons, the proposal is appropriate for the site and would not harm the character and appearance of the area or harm the setting and significance of the ACCA.
46. Subject to incorporating some obscure glazing and because of the acceptable siting and orientation of the proposed dwellings, these would not adversely affect the living conditions of the occupiers of neighbouring properties.
47. The proposed car parking, bicycle storage and access arrangements meet the Council's adopted standards. Furthermore, there is no substantive evidence that the proposed parking arrangements would add to parking stress to the detriment of highway safety. The extension of the footpath along Chapel Road would be a highway benefit of the scheme.
48. Construction activity would cause some disruption, but this would be temporary and could be mitigated by a Construction Management Plan, which could be secured by a planning condition if the appeal succeeds.
49. I have noted concerns about the proposal affecting property values. Nevertheless, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

50. In reaching my decision, I have considered the revised version of the National Planning Policy Framework ('the Framework') that was published in December 2024 but this does not alter my findings on the main issues.

Conditions

51. I have taken account of the conditions put forward by the Council and those suggested in its officer report, having regard to the requirements of the Planning Practice Guidance and the Framework. In addition to the standard timescale condition for the submission of reserved matters and the implementation of the planning permission, I have imposed a condition specifying the approved plans and drawings in the interests of certainty.
52. Notwithstanding that some details have been provided, in the interests of ensuring a high-quality development and safeguarding the character and appearance of the area and the setting of the adjacent conservation area, I have imposed a condition requiring the details of all external finishes, materials, boundary treatments and surfaces.
53. For the reasons already given, it is reasonable and necessary to require a Construction Management Plan. A condition relating to foul and surface water drainage is necessary to avoid local pollution and manage flood risk.
54. It is reasonable to impose conditions to secure electric vehicle charging points and on-site renewable sources to promote sustainable forms of development. A scheme to deliver on-site biodiversity enhancements is necessary to improve biodiversity.
55. Conditions requiring the closure of the existing access, the provision and surfacing of the new access, the shared turning and parking areas and the lighting for these; along with the provision of the proposed footway and visibility splays and a requirement that all hard ground surfaces prevent direct run-off water are necessary in the interests of the satisfactory functioning of the development and highway safety.
56. A condition requiring the provision of obscure glazing is necessary to safeguard neighbours from any unacceptable overlooking. However, and notwithstanding the submitted plans, because of their locations and separation from existing neighbouring properties, I am not persuaded that any of the proposed first floor side facing windows would result in any unacceptable overlooking and therefore need to be obscure glazed.
57. Where necessary and in the interests of clarity, flexibility and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

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

M Aqbal

INSPECTOR

Schedule of Conditions

- 1) Details of the landscaping (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) (a) Application for approval of the reserved matters shall be made to the local planning authority not later than the expiration of three years beginning with the date of this permission.

(b) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters.
- 3) Unless otherwise required by the conditions in this decision, the outline matters hereby approved (access, layout, scale and appearance) shall be carried out in accordance with the following approved plans:
Location and Block Plans, Drg No. 2238; Site Plan, Drg No. 2238 12A;
Floor Plans, Drg No. 2238 13; Front elevation, Drg No. 2238 14;
Front elevation showing front boundary treatment, Drg No. 2238 15;
Rear elevation, Drg No. 2238 16; Elevations, Drg No. 2238 17;
Street scenes, Drg No. 2238 18; Elevation detail/materials, Drg no. 2238 19; and
Bike Store, Drg No. 2238 20.
- 4) Prior to commencement of any above ground works (excluding demolition), details of all external finishes, materials, boundary treatments and surfaces for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and so retained.
- 5) Prior to the first occupation of any dwelling 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 and available for use, in accordance with details, which have first been submitted to and approved in writing by the local planning authority. Thereafter, the access crossing shall be completed in accordance with the approved details and so retained.
- 6) Prior to the first occupation of any dwelling hereby permitted, the land shown as a visibility splay on the corner of Chapel Road and Church Road and the visibility splay for the vehicular access to the site, shall be provided as shown on Site Plan, Drg No. 2238 12A, Thereafter, these visibility splays shall be kept free of any obstructions over 0.6 metres above the level of the adjoining highway and so retained.
- 7) Prior to the first occupation of any dwelling hereby permitted, details of the proposed Electric Vehicle Charging Points ('EVCPs') and associated infrastructure (including a timetable for implementation) shall be submitted to and approved in writing by the local planning authority. Thereafter, the EVCPs shall be installed in accordance with the approved details and timetable and so retained.
- 8) Prior to first occupation of the dwellings hereby permitted, details of measures to provide 10% of the predicted future energy use of each dwelling from on-site renewable sources (including a timetable for implementation), shall be submitted

to and approved in writing by the local planning authority. Thereafter, the measures shall be installed in accordance with the approved details and timetable and so retained.

- 9) Prior to the first occupation of any dwelling hereby permitted, a scheme to close the existing access off Church Road (which is to be made redundant) shall be submitted to and approved in writing with the local planning authority. The approved scheme shall be implemented prior to the first occupation of any dwelling hereby permitted and thereafter so retained.
- 10) Prior to first occupation of any dwelling hereby permitted, details of a lighting scheme for the proposed shared turning and parking area, shall be submitted to and approved in writing by the local planning authority. The approved lighting scheme shall be implemented prior to the first occupation of any new dwelling hereby permitted and thereafter so retained.
- 11) Prior to the first occupation of any dwelling hereby permitted, a scheme for the design, provision and management in perpetuity of a 1.5m wide footway running the length of the western boundary within the development site, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out prior to the first occupation of any dwelling hereby permitted and so retained.
- 12) Prior to the occupation of House 2 and House 3, the first floor rear windows for these properties, as indicated on approved drawing: Rear elevation, Drg No. 2238 16, shall be glazed with obscured glazing which conforms with or exceeds Pilkington Texture Glass Privacy Level 3 (or an equivalent level in any replacement standard) and no part of these windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Thereafter, the approved window arrangements for House 2 and House 3, shall be retained for the life of the development.
- 13) Prior to the first occupation of the dwellings hereby permitted, a scheme to deliver on-site biodiversity enhancements (including a timetable for implementation) shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved biodiversity enhancement scheme shall be implemented in accordance with the approved timetable and so retained.
- 14) Prior to the first occupation of any of the dwellings hereby permitted, the access, shared turning area and vehicle parking, as shown on Site Plan, Drg No. 2238 12A shall be completed and provided for use. Thereafter, these areas shall be retained and kept free of obstruction and available for those uses at all times.
- 15) Prior to the first occupation of a dwelling hereby permitted, the cycle parking for that dwelling, shall be provided as shown on Site Plan, Drg No. 2238 12A and Bike Store, Drg No. 2238 20. Thereafter, the cycle parking shall be so retained.
- 16) All hard ground surfaces shall either be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the development site.