



Appeal Decision

Site visit made on 15 April 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th April 2025

Appeal Ref: APP/V1260/W/24/3352184

Enefco House, The Quay, Poole BH15 1HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Pressland of Currentasset Limited against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/23/00874/F.
 - The development proposed is demolition of the front of the building and rear of the building at third floor level, erection of replacement four storey building frontage, alterations to façade and additional floor to the northern elevation and conversion of the first, second, third and fourth floors of the building to 9.no one-, two- and three-bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal above as set out in the Council's Decision Notice. Originally 11 flats were sought. However, the scheme was amended to nine flats during the application. I am satisfied that no party would be prejudiced by this change and so I have determined the appeal on this basis. The appellant states that further amended plans were submitted. However, the Decision Notice lists the plans considered by the Council in reaching its decision, and these are the plans before me. I will therefore consider the proposal on the basis of these plans.
3. During the appeal, the appellant has submitted a planning obligation dated 17 March 2025. This seeks to make financial contributions to mitigate against the effects of the proposal on the Dorset Heathlands Special Protection Area (SPA) and Ramsar site, part of the Dorset Heaths Special Area of Conservation (SAC), as well as on the Poole Harbour SPA. I will consider this under Other Considerations below.
4. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against the updated national policy context, the relevant changes to the Framework are not fundamental to matters which are determinative to the outcome of this appeal.

Main Issues

5. The main issues are: (1) the effect of the proposal on the character and appearance of the area, including the Town Centre Heritage Conservation Area (CA) and the setting of the Grade II listed buildings at The Poole Arms and Hennings Wharf; (2) whether the proposal would be acceptable having regard to

the impacts and risks of flooding; and (3) the effect of the proposal on protected species, namely bats.

Reasons

Character and Appearance

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I have special regard to the desirability of preserving the listed buildings and their settings, or any features of special architectural or historic interest. Section 72 of the same Act requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The CA covers Poole Quay and parts of the town centre. Buildings front onto the Quay, largely filling the deep plots with built form. They have a range of designs including traditional and contemporary buildings of varying ages, sizes and scales. Heights vary between two to five storeys, often reflecting 19th century warehouses. Lanes and footpaths link the quayside to Strand Street behind, and to the town centre. These features give the area a densely developed urban grain and a traditional quayside character. Relevant to this appeal, the significance of the CA is the attractive architectural appearance of its buildings, spaces and street scenes.
8. The Poole Arms consists of a public house with elements dating from the 17th century. It has a distinctive, green-tiled gable frontage, described as a centrepiece between Old Orchard and the High Street. It has a relatively modest height of around 2.5 storeys. Hennings Wharf is a building of five-storeys plus attic, and is also known as Boatshift Warehouse, reflecting its historic use and form. In the context of this appeal, the significance of the listed buildings is their age and traditional, historic appearance.
9. Enefco House is a four-storey building of brick and render. It is not listed and is structurally insecure. Nevertheless, the building has a steeply pitched roof and provides a pleasing stepped transition in height between The Poole Arms and Hennings Wharf. Its Victorian stone curved rear elevation also adds some historic character. As such, the building makes a moderately positive contribution to the CA and the settings of the adjacent listed buildings. The proposal seeks conversion of the above-ground floors into flats. This would include demolishing and replacing some sections of the building, and an additional floor on its frontage.
10. The varied roofscapes form part of the character of the quayside. However, at five stories, the taller height of the proposal together with its close proximity, would have a dominating effect on The Poole Arms, detracting from its setting. For similar reasons, it would undermine the current sense of transition to the listed buildings either side. This would harm the significance of the listed buildings and the CA.
11. Other nearby examples of shorter buildings close to much taller ones, such as The Portsmouth Hoy, Oriel Cafe and the Swan Inn, have been drawn to my attention. However, the examples cited do not have the same transitional relationship as the buildings either side of the proposal, and nor are the affected buildings in those examples all listed or of the same degree of distinctiveness as The Poole Arms.

12. The proposal would continue the curved rear elevation and steeply pitched roof of the existing building. However, the proposed modern shopfront would detract somewhat from its historic character. That said, on the evidence before me, I do not consider that the frontage windows and balconies of the proposal would be particularly disproportionate or sterile.
13. Nevertheless, for the reasons given above, the proposal would have a harmful effect on the character and appearance of the area, including the CA and the setting of The Poole Arms and Hennings Wharf. It would therefore conflict with policies PP27, PP28 and PP30 of the Poole Local Plan (PLP), adopted November 2018. These require proposals to be in keeping with neighbouring buildings, and that heritage assets are preserved, enhancing their significance and value.
14. For the same reasons, the proposal would not comply with the statutory requirements of the Act. In the language of the Framework, the harm caused would be less than substantial. As required by the Framework I give great weight to conservation of the heritage assets. I will weigh this against the public benefits below.

Flooding

15. The site and its surroundings lie within Flood Zone 3, at high risk from tidal flooding. They are also at high risk of surface water flooding, with historic incidents being recorded. Flood risk from both sources is predicted to increase during the lifetime of the development because of the rise in sea levels, increased rainfall intensity and volumes, and effects on public sewers.
16. Within Flood Zone 3, the Framework states that proposals should be supported by a site-specific flood-risk assessment (FRA), and only allowed where, amongst other things, it is flood resistant and incorporates sustainable drainage systems, unless demonstrably inappropriate. The supporting text to PLP Policy 38 makes similar requirements.
17. No FRA has been provided and nor do I have evidence of an appropriate surface water drainage strategy. The proposed residential units would all be above ground floor level, but relying on occupiers to just wait-out any flood event, as suggested by the appellant, may not be the most suitable solution. Other options, or a sustainable drainage system, may require changes to the proposal. I am not satisfied that planning permission can be granted without knowing that adequate flooding arrangements are possible, or their effects. Consequently, this matter cannot be left to a condition.
18. The Framework requires that a sequential approach is taken, by steering development to areas of lowest flood risk if possible. The Planning Practice Guidance advises that any proposed development in Flood Zone 3 with a classification of More Vulnerable, as here, would also need to pass the Exception Test. As the proposal involves more than just a change of use, it does not benefit from Framework footnote 62.
19. The site is within the Poole Town Centre Sequential Test Exemption Area, as identified by PLP Policy PP38. This states that development proposed in the Twin Sails regeneration area is expected to provide strategic flood defences to help protect the town centre from flooding, or that alternative options will ensure this. However, I have little substantive evidence of the current status of these

measures. As such, I cannot be satisfied that the sequential and exception tests do not apply or have been met.

20. For the reasons given above, the proposal would not be acceptable having regard to the impacts and risks of flooding. It would therefore conflict with PLP policy PP38, and with the Framework. Accordingly, I give this conflict substantial negative weight.

Bats

21. PLP Policy PP33 requires that a biodiversity appraisal should be submitted where there are protected or important species and habitat features within the site, and to secure a net gain for biodiversity. Little ecological information was provided at application stage.
22. As part of the appeal, a Preliminary Roost Appraisal (PRA) provided in connection with another planning application here has been submitted. This finds that the building has a low potential for roosting bats, and a precautionary mitigation strategy is set out. Mitigation measures are also proposed in respect of nesting birds, as well as biodiversity enhancement measures such as swift boxes. The Council does not dispute the findings of the PRA and I see little reason to disagree. The enhancement measures could be the subject of a planning condition.
23. On this basis, the proposal would not have a harmful effect on protected species, namely bats. It would therefore comply with PLP Policy PP33 and with the similar requirements of the Framework.

Other Considerations

24. The public benefits of the proposal include the positive contribution it would make to the supply of housing. It would result in an increase in housing supply, of nine units, making efficient use of land. The flats would be within the town centre with excellent access to services, facilities and employment opportunities. Its future occupiers would bring social and economic benefits, and its construction would make economic contributions to the area. There would also be small ecological benefits.
25. Framework paragraph 125 supports the development of under-utilised buildings and requires that substantial weight is given to the value of using suitable brownfield land within settlements for homes, which should be approved unless substantial harm would be caused. However, in this case I have found that harm of substantial weight would result from the proposal and so Framework paragraph 125 does not indicate approval. Furthermore, I conclude that the public benefits of the proposal would not outweigh the harm to the designated heritage assets, to which I have given great weight.
26. Framework paragraph 11(d) identifies housing land supply circumstances where planning permission should be granted unless other policies in the Framework provide a clear reason for refusing the proposal, to protect areas or assets of particular importance. For the reasons already given, the policies in the Framework that protect designated heritage assets and areas at risk of flooding provide clear reasons for refusing the proposal. It follows that Framework paragraph 11(d) is not engaged.

27. The Council's fifth and sixth reasons for refusal refer to the effects of the development on the SPAs and SAC, which are protected pursuant to the Conservation of Habitats Regulations 2017. Had I found no harm in respect of the main issue, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects on the SPAs and SAC. However, as permission is being refused for other reasons, this matter need not be considered any further in this case.

Planning Balance and Conclusion

28. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, and the weight I give to them, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR